

CARBON COUNTY COMMISSIONERS AGENDA

DATE: May 13, 2025, 2025 (Tuesday)

8:30 a.m. PLEDGE OF ALLEGIANCE

8:35 a.m. PUBLIC COMMENT PERIOD – On matters within the Commissioners' jurisdiction

9:00 a.m. PRELIMINARY BUDGET – DISTRICT COURT

9:30 a.m. TOWN OF FROMBERG – AGREEMENT FOR LAW ENFORCEMENT SERVICES

**YELLOWSTONE COUNTY DETENTION FACILITY – AGREEMENT FOR ADULT
DETENTION**

AREA II AGENCY ON AGING REPRESENTATIVE APPOINTMENTS

10:00 a.m. STATUS OF GRAVEL PIT NOTICES

10:30 a.m. CONSENT AGENDA

11:00 a.m. BID OPENING – AIRPORT ASPHALT PROJECTS

**11:30 a.m. RED LODGE RURAL FIRE #7 – PUBLIC INFORMATION OFFICER
INTERLOCAL AGREEMENT ADDENDUM #1 MEASLES**

1:00 p.m. GIS / FIRE WARDEN QUARTERLY UPDATE

1:30 p.m. PRELIMINARY BUDGET – GIS / FIRE WARDEN

03/25/25
14:37:09

CARBON COUNTY
Expenditure Budget by Fund/Org Split Report -- MultiYear Actuals
For the Year: 2025 - 2026

Page: 2 of 5
Report ID: B240A2

2180 DISTRICT COURT

Org	Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
			21-22	22-23	23-24	24-25	Budget	Exp.	Budget	Changes	Budget	Budget
							24-25	24-25	25-26	25-26	25-26	25-26
	940	CAPITAL OUTLAY					0	0%			0	0%
	947	OFFICE MACHINERY & EQUIP.	6,545				0	0%			0	0%
		New Copy Machine										
		Account:	27,245	19,274	17,626	14,044	23,600	60%	24,450	0	24,450	103%
410332		JURY SERVICES										
	300	PURCHASED SERVICES					0	0%			0	0%
	394	JURY & WITNESS FEES	333	354	239		5,750	0%	5,750		5,750	100%
		Account:	333	354	239		5,750	0%	5,750	0	5,750	100%
410334		PROSECUTION SERVICES										
	300	PURCHASED SERVICES					0	0%			0	0%
	394	JURY & WITNESS FEES					5,750	0%	5,750		5,750	100%
		Account:					5,750	0%	5,750	0	5,750	100%
410335		COURT REPORTING SERVICES										
	357	OTHER PROFESSIONAL SERV					0	0%			0	0%
		Account:					0	***%	0	0	0	0%
410336		INDIGENT DEFENSE										
	300	PURCHASED SERVICES					0	0%			0	0%
	352	LEGAL SERVICES					0	0%			0	0%
	370	TRAVEL, MEALS, ETC					0	0%			0	0%
		Account:					0	***%	0	0	0	0%
410338		PSYCHIATRIC EXAM										
	351	MEDICAL, DENTAL, VET SERV					1,500	0%	1,500		1,500	100%
		Account:					1,500	0%	1,500	0	1,500	100%
420300		PROBATION SERVICES										
	200	SUPPLIES					0	0%			0	0%
	210	OFFICE SUPPLIES					0	0%			0	0%
	226	CLOTHING & UNIFORMS					0	0%			0	0%
	231	GAS, OIL, DIESEL, GREASE					0	0%			0	0%
	300	PURCHASED SERVICES					0	0%			0	0%
	311	POSTAGE, BOX RENT ETC.					0	0%			0	0%
	312	FREIGHT AND SHIPPING					0	0%			0	0%
	320	PRINTING, BINDING ETC.					0	0%			0	0%
	330	PUBLIC, SUBSCR, DUES, FEE					0	0%			0	0%
	345	TELEPHONE					0	0%			0	0%
	355	DATA PROCESSING SERVICES					0	0%			0	0%
	357	OTHER PROFESSIONAL SERV					0	0%			0	0%
	370	TRAVEL, MEALS, ETC					0	0%			0	0%
	390	OTHER PURCHASED SERVICES					37,500	0%	37,500		37,500	100%
		12-13 \$89,590										
	940	CAPITAL OUTLAY					0	0%			0	0%
	944	TRANSPORTATION EQUIPMENT					0	0%			0	0%
	948	COMPUTER EQUIPMENT					0	0%			0	0%
		Account:					37,500	0%	37,500	0	37,500	100%

03/25/25
14:37:09

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2180 DISTRICT COURT

Org	Account	Object	Actuals				Current	%	Prelim.	Budget	Final	% Old
			21-22	22-23	23-24	24-25	Budget	Exp.	Budget	Changes	Budget	Budget
							24-25	24-25	25-26	25-26	25-26	25-26
521000	INTERFUND TRANSFERS OUT											
820	TRANSFERS TO OTHER FUNDS			2,000	2,000		2,000	0%	2,000		2,000	100%
	COPY MACHINE REPLACEMENT 2027											
	Account:			2,000	2,000		2,000	0%	2,000	0	2,000	100%
	Orgn:		38,621	24,439	28,178	14,044	96,100	15%	96,950	0	96,950	100%
	Fund:		38,621	24,439	28,178	14,044	96,100	15%	96,950	0	96,950	100%

03/25/25
14:37:09

CARBON COUNTY
Expenditure Budget by Fund/Org Split Report -- MultiYear Actuals
For the Year: 2025 - 2026

Page: 5 of 5
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4009 DISTRICT COURT CAPITAL			Actuals				Current	%	Prelim.	Budget	Final	% Old
			21-22	22-23	23-24	24-25	Budget	Exp.	Budget	Changes	Budget	Budget
Org	Account	Object	21-22	22-23	23-24	24-25	24-25	24-25	25-26	25-26	25-26	25-26

208 DISTRICT COURT												
410331 ADMINISTRATION												
	947 OFFICE MACHINERY & EQUIP.						6,000	0%	8,000		8,000	133%
	COPIER REPLACEMENT 2027											
	Account:						6,000	0%	8,000	0	8,000	133%
	Orgn:						6,000	0%	8,000	0	8,000	133%
	Fund:						6,000	0%	8,000	0	8,000	133%
Grand Total:			38,621	24,439	28,178	14,044	102,100		104,950	0	104,950	

Preliminary Budget Request

Wage Increase 2025-2026



Employee: SARAH WALLILA

Department: District Court

Current: Scale: 77.5% EB

Rate: 30.03

Requested: Scale: 80.5% EB

Rate: 31.20 (w/ COLA)

Requested Effective Date: _____

Comments: would like to give SARAH a
3% wage increase

Rochelle Spyring 3/25/25

Department Head Signature

Date

ALL WAGE INCREASE REQUESTS TO BE CONSIDERED AT THE AUGUST
28th COMMISSIONERS MEETING

Budgetary Impact: _____ (total annual wage + fringe increase)

☐ Approved ☐ Denied _____
Presiding Officer Date

Comments: _____

HR Acknowledgement: _____

Date Processed: _____

Retro Pay total: _____

RECEIVED
MAR 25 2025

BY:

INTERLOCAL AGREEMENT FOR GENERAL LAW ENFORCEMENT SERVICES

This agreement is entered into this ____ day of _____, 2025 by and between Carbon County, a political subdivision of the State of Montana, (the County), and the Town of Fromberg, a political subdivision of the State of Montana (the Town). This agreement is made under the authority of Sections 7-11-101 through 7-11-108 of the Montana Code Annotated (2011). An executed original copy of this agreement shall be filed in the office of the Carbon County Clerk and Recorder as required by Section 7-11-107 Montana Code Annotated (2011).

(1)

STATEMENT OF AGREEMENT

1.1 The County agrees to provide general law enforcement services to the Town for a period of five (5) year(s). The services shall be provided by the Carbon County Sheriff. The Town agrees to engage the County, through its Sheriff, to provide such services in accordance with, and subject to, the terms of this agreement.

(2)

GENERAL LAW ENFORCEMENT SERVICES DEFINED

2.1 General law enforcement services consist of patrol, investigation, dispatching, reporting and all auxiliary and technical services now provided by the Sheriff's Office in support of patrol and investigation. All references to general law enforcement services contained in this agreement are references only to services that shall be delivered under the terms of this agreement.

(3)

DELIVERY OF SERVICES

3.1 **Service Area:** The Sheriff shall provide general law enforcement services within the corporate limits of the Town.

3.2 **Enforcement Responsibilities:** The Sheriff, on behalf of the Town, shall enforce all misdemeanor violations of the Montana Code Annotated and Town Ordinances. The Sheriff will not be responsible for impounding and housing any animals. All misdemeanor citations issued by the Sheriff within the Town limits shall be filed in the Fromberg Town Court. All Sheriff Deputies assigned to enforce violations under this agreement will be sworn in as Fromberg police officers for purposes of enforcing violations of the law inside the Town limits.

3.3 **Delivery of Services:** The County will provide law enforcement coverage within the corporate limits of the Town. One or more deputies can, at the Sheriff's discretion accomplish this assignment. If necessary, additional law enforcement services required for special events may be negotiated on a case by case basis.

3.4 **Service Management:** The planning, organization, scheduling, direction and supervision of the Sheriff's personnel and all other matters incident to the delivery of general law enforcement services to the Town shall be determined by the Sheriff. The Sheriff shall retain exclusive authority over the activities of his personnel working within the Town.

3.5 **Responsiveness:** The Sheriff shall give prompt consideration to all requests of the Town regarding the delivery of general law enforcement services.

3.6 **Dispute Resolution:** Any conflict arising between the various parties regarding the extent or manner of performance of the general law enforcement services delivered to the Town under this agreement shall be resolved by the Sheriff, the Town Council and the Carbon County Commissioners. If the parties are unable to resolve any such conflict, the parties shall mediate the dispute before a mediator appointed by the District Judge of Carbon County, Montana, which appointment may be made at the written request of either party. In the event mediation is unsuccessful the parties' sole remedy shall be binding arbitration.

3.7 **Coordination:** The Sheriff shall confer with and receive requests from the Town Council upon matters concerning the delivery of general law enforcement services to the Town.

(4)

RESOURCES

4.1 **County Responsibilities:** Except as otherwise agreed, the County shall furnish, and pay for, all labor, equipment, facilities, vehicles, supplies, and improvements to all equipment, facilities, vehicles and supplies required to provide general law enforcement services to the Town.

4.2 **Individual Ownership:** The County and Town shall retain title to property each may acquire to fulfill the obligations under this agreement. Each party may dispose of its property as it sees fit.

4.3 **Training:** All deputies and officers assigned under this agreement shall be trained in accordance with Montana Code Annotated rules for police officer training and certification. The Town may request special or particular law enforcement training be made available to officers providing services to the Town. Requests for training must be approved by the Sheriff. Training funds will not be expended without prior approval in each case. The town shall pay training fees at actual cost. The lodging, meals and transportation shall be paid pursuant to the guidelines set forth in Montana Code, Annotated.

(5)

LIABILITY

5.1 **County:** The County agrees to continue carrying the necessary liability insurance for all actions required under this agreement. The County agrees to indemnify and hold the Town harmless of any liability arising out of the conduct of the County or its officers under this agreement.

5.2 **Indemnity:** The Town shall not be held liable for any injury or sickness suffered by a County deputy or employee arising out of employment in providing general law enforcement to the town.

(6)

PERSONNEL

6.1 **Employee Status:** All persons employed by the Sheriff in providing law enforcement services to the Town shall be county officers or employees fully qualified and trained as police officers under Montana Code Annotated. They shall not have any benefits, status or rights of Town employment.

6.2 **Payment of Employees:** The Town shall not be held liable for the direct payment of salaries, wages or other compensation to county officers or employees that provide general law enforcement services to the Town.

(7)

FEES

7.1 **Amount of Fees:** The Town shall pay the sum of \$54,672.16 for FY 25-26, with a 1.5% annual increase each year this contract is in effect.

7.2 **Manner of Payment:** The Town shall make payments to the County in quarterly installments each year. The quarterly payments shall be made on or before the last day of each quarter.

7.3 **Limitation on Fees:** All fees assessed under this agreement represent the entire extent of the fees required of the Town of Fromberg, with the exception of the current dispatching fee under a separate agreement. The Town agrees to pay for police enforcement services; it does not agree to pay for the acquisition of, or structural upgrades to, County equipment, patrol cars, radios, or buildings. The Town also will not pay for overtime for deputies or officers assigned to the Town under this agreement.

(8)

TERM AND AMENDMENT

8.1 This agreement shall take effect on July 1, 2025 and continue through June 30, 2030.

(9)

TERMINATION AND NOTICE

9.1 This agreement may be terminated by either party upon ninety (90) days written notice.

9.2 The agents and addresses for all notices to be made are:

County: Carbon County Commission
Scott Blain
PO Box 887
Red Lodge, MT 59068

Town: Terry Feller, Mayor Town of Fromberg
PO Box 236
Fromberg, MT 59029

Sheriff: Carbon County Sheriff
Josh McQuillan
PO Box 230
Red Lodge, MT 59068

The parties hereto have executed this agreement the day and year first written below.

DATED THIS _____ day of _____, 2025.

CARBON COUNTY

Scott Blain
Carbon County Commissioners

Josh McQuillan
Carbon County Sheriff

ATTEST:

Christine Stovall, Carbon Clerk & Recorder

TOWN OF FROMBERG

Terry Feller, Mayor
Town of Fromberg

ATTEST:

APPROVED AS TO FORM AND CONTENT:

Alex Nixon, Carbon County Attorney

Dennison Butler,
Fromberg Town Attorney

Law Enforcement Contract Increase over 10 years

JOLIET

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1%	62,000.00	62,620.00	63,246.20	63,878.66	64,517.45	65,162.62	65,814.25	66,472.39	67,137.12	67,808.49	68,486.57
1.50%	62,000.00	62,930.00	63,873.95	64,832.06	65,804.54	66,791.61	67,793.48	68,810.38	69,842.54	70,890.18	71,953.53
2%	62,000.00	63,240.00	64,504.80	65,794.90	67,110.79	68,453.01	69,822.07	71,218.51	72,642.88	74,095.74	75,577.65

FROMBERG

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
1%	50,000.00	50,500.00	51,005.00	51,515.05	52,030.20	52,550.50	53,076.01	53,606.77	54,142.84	54,684.26	55,231.11
1.50%	50,000.00	50,750.00	51,511.25	52,283.92	53,068.18	53,864.20	54,672.16	55,492.25	56,324.63	57,169.50	58,027.04
2%	50,000.00	51,000.00	52,020.00	53,060.40	54,121.61	55,204.04	56,308.12	57,434.28	58,582.97	59,754.63	60,949.72

INTERLOCAL AGREEMENT FOR ADULT DETENTION SERVICES
Between
YELLOWSTONE COUNTY and CARBON COUNTY

This Interlocal Agreement (IA) is made pursuant to Title 7, Chapter 11, Part I, Montana Code Annotated, on _____ of _____, 2025, between Yellowstone County, Montana, and its Sheriff's Office (collectively, "Yellowstone") and Carbon County Montana, and its Sheriff's Office, (collectively, "Carbon County"). EFFECTIVE June 1, 2025.

ARTICLE I
PURPOSE

The purpose of this IA is to provide the terms and conditions for CARBON COUNTY, to detain those adults under confinement after arrest and punished for criminal offenses under conditions imposed by law, at the Yellowstone County Detention Center in Billings (YCDF) for a fee that both parties have determined to cover the reasonable cost of confinement pursuant to §7-32-2242(2), MCA. This Interlocal Agreement is required pursuant §7-32-2243(1), MCA.

ARTICLE II
DURATION AND TERMINATION

The duration of the IA will be seven (7) months from the date set forth above (through December 31, 2025), subject to termination without cause by either party at any time during the agreement if preceded by a five (5) day written notice to the other party. In the case of an emergency, the contract can be terminated by either party immediately.

ARTICLE III
CREATION OF LEGAL ENTITY -PROPERTY

No separate legal entity is created by this Interlocal Agreement. No real or personal property will be owned jointly during the term of this IA and therefore, no agreement is necessary related to the disposition of such property.

ARTICLE IV
FINANCING, COSTS, AND BUDGET

A. NORMAL EXPENSES. Yellowstone shall pay all costs of operation of its detention center to include food, clothing, basic routine medical care, and all other costs normally associated with actual detention of inmates.

- B. MEDICAL EXPENSES. Pursuant to §7-32-2245, MCA, CARBON COUNTY shall be responsible for all expenses associated with the medical care of any of its Inmates at the YCDF. CARBON COUNTY shall defend, indemnify, and hold Yellowstone harmless for any claim, damage, loss, expense, cost, fee, action, or charge arising out of any such medical expenses for an inmate not caused by an act of Yellowstone.
- C. FEES. CARBON COUNTY shall pay Yellowstone \$117.00 per day for each Inmate. A new billing day shall commence at 10:00 a.m. each day.

ARTICLE V ADMINISTRATION

The Sheriff's Office of each county shall be responsible for the day-to-day administration of the IA. The Yellowstone County Sheriff's Office shall be given all authority over and responsibility for all Inmates committed to it under this IA, subject to the policies and procedures established for the YCDF. This authority and responsibility shall begin at the time the Inmate is committed to Yellowstone County Sheriff's Office custody and terminate when the Inmate is returned to the custody of the CARBON COUNTY Sheriff's Office.

ARTICLE VI OTHER NECESSARY AND PROPER MATTERS

- A. TRANSPORTATION. CARBON COUNTY shall be responsible for the transportation and cost of transportation of its Inmates to and from YCDF. CARBON COUNTY shall be responsible for the cost of transportation to any medical treatment for an Inmate. The Yellowstone County Sheriff's Office shall first secure the consent of CARBON COUNTY for transportation to any medical treatment, unless such medical treatment is deemed an emergency. During an emergency, Yellowstone will provide staff to act as a temporary security for an Inmate. Yellowstone shall provide this service for a period not to exceed one and one-half hours. If an Inmate is hospitalized, the provision of security is the sole responsibility of CARBON COUNTY. All expenses shall be sole responsibility of CARBON COUNTY and billed monthly.
- B. INSURANCE. Yellowstone County carries insurance that protects against claims which may arise by virtue of an inmate's stay in the YCDF. Yellowstone will defend, indemnify, and hold harmless CARBON COUNTY against any claim, damage, loss, expense, cost, fee, action or charge by an Inmate arising out of any of Yellowstone or its employees or agents while that Inmate was detained at YCDF or being transported by an employee or agent of Yellowstone, consistent with the paragraph set forth below.

If an Inmate who is detained at YCDF is transported by Yellowstone, CARBON COUNTY will defend, indemnify and hold harmless Yellowstone against any claim, damage, loss, expense, cost, fee, action or charge arising out of the transportation as long as such claim, damage, loss, expense, cost, fee, action or charge is not caused by an act of Yellowstone.

CARBON COUNTY shall be responsible for providing insurance in an amount no less than \$750,000 per claim and \$1.5 million per occurrence against any claim, damage, loss, expense, cost, fee, action or charge arising out of the transportation of any Inmate to and from the YCDF or any location authorized by CARBON COUNTY. CARBON COUNTY shall provide Yellowstone a Certificate of Insurance naming Yellowstone County and the Yellowstone County Sheriff's Office as additional insured on a primary non-contributing basis and provide proof of proper endorsements to said insurance.

- C. RECORD KEEPING. Yellowstone is responsible for maintaining records in accordance with Montana law for any Inmate only while in the custody of Yellowstone County Sheriff's Office.

ARTICLE VII GENERAL PROVISIONS

- A. ASSIGNMENT and Authority. No party shall assign, transfer, or convey any right or obligation set forth in this IA without the prior written consent of the other party. The undersigned represent that they have authority to enter into this IA.
- B. COMPLETE AGREEMENT. This IA constitutes the sole and entire agreement between the parties hereto. No other terms or conditions shall be binding upon either party unless accepted in writing. This IA supersedes any previous oral or written agreements between the parties.
- C. APPLICABLE LAW, VENUE, AND ATTORNEYS' FEES. This IA shall be governed by the laws of the State of Montana, and any action to enforce any right or obligation shall be brought in the Thirteenth Judicial District, Yellowstone County. The prevailing party in any action to enforce this IA shall be entitled to attorney's fees including those of in-house counsel or the County Attorney's Office.
- D. COMPLIANCE WITH LAW. The parties shall comply with all applicable federal, state, and local law in performing under this IA.

This Interlocal agreement entered into as of the day first written above by:

Board of County Commissioners
Yellowstone County, Montana

Board of County Commissioners
Carbon County, Montana




Mark Morse, Chair

Chair



Michael J. Waters, Commissioner

Commissioner



John Ostlund, Commissioner

Commissioner

YELLOWSTONE COUNTY SHERIFF

CARBON COUNTY SHERIFF


_____



April 22, 2025

Carbon County Commissioners
Box 887
Red Lodge MT 59068

Dear Commissioners,

In accordance with the Area II Agency on Aging Advisory Board By-Laws, we request you complete the attached form appointing a County Commissioner Representative and Consumer Representative from your county to serve on our Advisory Board for 2025-2026. Please return the enclosed form to our office by **May 30, 2025**.

We “*encourage*” our County Commissioners to advertise Advisory Board positions to ensure proper representation on the Area II Advisory Board as per the Area II Agency on Aging By-Laws, Article III, Section B.1.:

1. *One (1) County Commissioner from each of the counties herein named. The Board of County Commissioners in each county shall select from among themselves one (1) to become a member of this council; or, to duly designate a representative who is conversant with the programs for the aged in that county to act in their stead.*
2. *One (1) individual person from each of the herein named counties, who is sixty (60) years of age or older, and who is a participant in a recognized program for the aged in that county. The Consumer Representative shall be appointed by the County Commissioners upon recommendation of the County's Council on Aging and/or Center Board of Directors. The County Commissioners will advertise the Advisory Council position to ensure participation by handicapped and minority members whose membership is reflective of the ethnic population in that service area. The County Commissioners shall make their appointment each year before the annual Area II Advisory Council meeting in June.*

Thank you for your prompt attention to this matter. If you need further clarification, please call our office at 1-800-551-3191.

Sincerely yours,

Marcy Brookie
Executive Director

Attachment

Carbon County

Your current Consumer Representative appointee is **Dianna LeBrun** and your current Commissioner Representative is **Bill Bullock**. These appointments are up as of June 30, 2025. You may appoint the same individuals if you wish.

For the 2025-2026 term, we would like to appoint:

Consumer Representative _____

Mailing Address _____

Phone # _____

Email Address _____

County Commissioner Representative _____

Mailing Address _____

Phone # _____

Email Address _____

The 2025-2026 Representatives positions will run from July 1, 2025 to June 30, 2026.

Signed: _____

County Commissioner

(Please return this form to the Area II office in the enclosed self-addressed envelope by May 30, 2025.) Please include name, mailing address, phone number and email address for new individuals appointed.

February 4, 2025

CERTIFIED MAIL #70212720000050020389

Return Receipt Requested

Carbon County Road Department
P.O. Box 887
Red Lodge, MT 59068

**WARNING LETTER
#WLOC2025-35**

RE: Violation(s) of the Opencut Mining Act
Boggio, Permit #168
Carbon County, Montana
Section 3, Township 7 S, Range 23 E

To Whom It May Concern:

On July 29, 2024, Anne Spezia and JJ Conner of the Opencut Mining Section visited the Boggio site for a compliance inspection and observed the following violations. The site inspection report is attached. These findings establish violations of the Act and the Administrative Rules of Montana (ARM), Title 17, Chapter 24, Subchapter 2, as described below:

Violation No. 1 - Failure to place and/or maintain visible boundary markers.

- a. In Section II-16 of the Plan, Carbon County Road Department committed to placing and maintaining visible boundary markers. During the site inspection, boundary markers were not found for any vertices.

Corrective Action:

1. Within 60 days of this letter, the Operator will mark the site and provide written documentation to Opencut stating the site has been marked and brought back into compliance. Provide documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>.
or
2. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance. If this option is chosen, the operator must send writing documentation that they intend to reclaim the site by the above timeframe.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

This warning letter is being issued based upon DEQ's initial determination that violations have occurred. If you believe the facts describing the violation(s) set forth in this letter are incorrect, please submit documentation such as pictures, affidavits, copies of notes, or written explanation to the Opencut Section within **15 days from the date of this letter** to DEQOpencut@mt.gov, and copy anne.spezia@mt.gov.

Pursuant to the Administrative Rules of Montana (ARM) 17.24.225 your written response may inform DEQ of any asserted facts you wish DEQ to consider in further assessing whether violations occurred and in assessing any penalties. Issuance of this warning letter does not limit DEQ's authority to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action. The violations may result in a referral to DEQ's Enforcement Program for initiation of a formal enforcement action seeking administrative penalties under Section 82-4-441, MCA. DEQ has the authority to assess an administrative penalty of not less than \$100 or more than \$1,000 for each violation and an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues.

This letter does not constitute a "final decision of the Department" or an administrative order for the purposes of requesting a hearing before the Board of Environmental Review as provided in §§ 82-4-427 and 441, MCA.

Any questions regarding this violation letter, including the corrective actions to be taken, should be directed to the following:

Anne Spezia
Environmental Science Specialist
Mining Bureau - Opencut Mining Section
Department of Environmental Quality
P.O. Box 200901, Helena, Montana 59620-0901
Phone: (406) 444-9786; Email: Anne.Spezia@mt.gov

Sincerely,



Whitney Bausch
Opencut Mining Section Supervisor
Department of Environmental Quality

Enc: July 29, 2024 Inspection Report

C: Violet Zentner
166 Pryor River Rd
Bridger, MT 5914

OPENCUT MINING INSPECTION REPORT

Date Inspected: **7/29/2024** Time of Inspection: **2:00 pm** Report sent to Operator via: ☒ US Mail ☐ Email Date: **2/4/2025**

Scientist: **Anne Spezia** Additional Persons Present at Site Inspection: **JJ Conner (DEQ)**

Operator: **Carbon County Road Department** Site Name: **Boggio** County: **Carbon**

Reclamation Date: **N/A** Date Site was Permitted or Amended: ☐ NA ☒ Date: **9/2/1992**

Opencut # **168** Mineral(s) Mined: **Gravel**

Decimal Degree: Latitude: **45.24882** Longitude: **-108.89160**

☐ Permit: ☐ Dryland ☐ Standard ☒ Pre-HB599 (permitted on 2019 or earlier forms)
☐ Pre-Application Meeting ☐ Amendment ☒ Compliance ☐ Referred Complaint ☐ Release Request ☐ Convert LOO to Permit
☐ Assignment ☐ Expiry ☒ No Reclamation Date

MCA 82-4-425 Site Inspection Notice Attempted Via:

☐ Email: Person emailed: **Carbon County Commissioners**

Email Address: **commissioners@co.carbon.mt.us**

Date Emailed: **7/26/2024**

BACKGROUND SITE INFORMATION

- 1) Topography & Features: **The site is located on flat, agricultural land just north of Bridger Creek.**
- 2) Geology: **The surficial geology consists of alluvial fan deposit. Gravel, sand, silt, clay, and ash beds; poorly sorted with large clasts matrix-supported or clast-supported.**
- 3) Site Located in Sage Grouse Habitat: ☐ No ☐ General ☐ Connectivity ☒ Core
Proof of consultation with DNRC is required for sites located in sage grouse habitat and must be submitted with the Opencut Mining Plan of Operation and Application.
- 4) Surface Water within 1,000ft: ☐ None ☐ Ephemeral drainage ☒ Intermittent Stream ☒ Irrigation Ditch/Canal ☐ Lake/Pond
☐ River ☐ Spring ☒ Stream/Creek – name: **Bridger Creek** ☐ Wetlands

FIELD VERIFIED

- 5) Site Marked: ☐ Yes ☒ No **See item #7 below.**
- 6) Mining/Disturbances: ☒ None ☐ Disturbance Near/Adjacent to Site
☐ On site: ☐ Permitted ☐ Historic ☐ Landowner Pit ☐ Unpermitted ☐ Limited Opencut Operation
- 7) Were violations and/or Inconsistencies with the Opencut Mining Act observed? ☐ No ☒ Yes
☒ Failure to place and/or maintain visible boundary markers – **In section II-16 of the Permit the operator committed to clearly mark the main contract area boundary with durable markers. No boundary markers were found during the inspection.**
- 8) Existing Land Use:
☐ Cropland/Hayland ☐ Forest/Timberland ☐ Industrial/Commercial ☐ Oil & Gas ☐ Opencut Operation ☒ Pasture/Rangeland
☐ Pond ☐ Wetland ☐ Residential

- 9) Structures/Facilities near or within proposed permit boundary: ☐ None ☐ Construction Project ☒ Farming
☐ Industrial/Commercial ☐ Oil & Gas Structures ☐ Opencut Operation ☐ Power Lines or Facilities ☐ Residential ☐ Roads
☐ Underground Utilities
- 10) Vegetation Type: ☐ Crop/Hayland ☒ Pasture ☒ Rangeland ☐ Timber
- 11) Average % cover estimated (undisturbed areas): ☐ <50% ☐ 50%-60% ☒ 60%-70% ☐ 70%-80% ☐ 80%-90% ☐ >90%
- 12) Noxious Weeds Identified Onsite*:
☒ None Identified ☐ Cheatgrass ☐ Knapweed ☐ Leafy Spurge ☐ Tansy Ragwort ☐ Canada Thistle ☐ Dalmatian Toadflax
☐ Houndstongue ☐ Whitetop ☐ Field Bindweed
 *Not all onsite species were identifiable at the time of the inspection.
- 13) Onsite Material Stockpiles: ☒ None ☐ Mine Material ☐ Asphalt ☐ Concrete ☐ Other (overburden, mixed, etc.):
- 14) Onsite Soil: ☐ Replaced ☐ Stockpiled ☐ Not Present Other: **It is unclear if soil has been replaced onsite. Vegetation has grown across the site.**
- 15) Soil/OB Stockpiles Contain Legible Signage (required for new permits and amendments post March 2016)?
☒ NA ☐ Yes ☐ No
- 16) Soil Stockpiles Seeded? ☒ NA ☐ Yes ☐ No ☐ Weedy
- 17) Are Site/Sound Barriers Present? ☒ NA ☐ Yes ☐ No
- 18) Is there a Highwall Onsite? ☐ Yes ☒ No
- 19) Erosion/Stability Problems: ☒ None Identified ☐ Yes
- 20) Garbage Onsite? ☒ None Identified ☐ Yes
- 21) Surface Water Feature OK? ☒ NA ☐ Yes ☐ No
- 22) Fuel Tanks have Secondary Containment? ☒ NA ☐ Yes ☐ No
- 23) Dust Management OK? ☒ NA ☐ Yes ☐ No
- 24) Drainages/Streams Protected? ☒ NA ☐ Yes ☐ No
- 25) Assignments: Note that if this site is planned to be assigned to another operator, it can only be assigned if the current permit was permitted or approved after 2010, there are no violations, and the site does not have an expired reclamation date. Contact Opencut with any questions.

SITE SPECIFIC SUMMARY & NOTES

The Boggio site was inspected in response for compliance by DEQ Opencut on July 29, 2024. The site was flown with an Unmanned Aerial Vehicle (UAV) to obtain current aerial imagery.

The location of any historic disturbance is unclear, indicating that the site has long since been reclaimed. The 2023 Annual Production Report stated that the year the site was last mined is unknown.

If the operator would like to release the site, they should submit a *Phase II Release Request* form to the Department. The form can be found at <https://deq.mt.gov/mining/assistance>. The operator should also note that having the landowner complete the "Optional Landowner Certification" section of the form helps the Department make the determination of whether or not to release the site.

Operators/consultants should consider submitting Opencut documents electronically to expedite the application process. Guidance for electronic submittals can be found under A-2 at <http://deq.mt.gov/Mining/assistance>.

Actions Required by the Operator based on the Field Inspection:

- (if expired reclamation date) **No Opencut operations can occur at this site (except reclamation) until a permit is approved. Do not conduct Opencut operations at this site until it is permitted.**
- **Do not conduct Opencut operations outside the permitted boundary until the amendment is approved.**

UAS Flight: ☐ None ☒ Yes

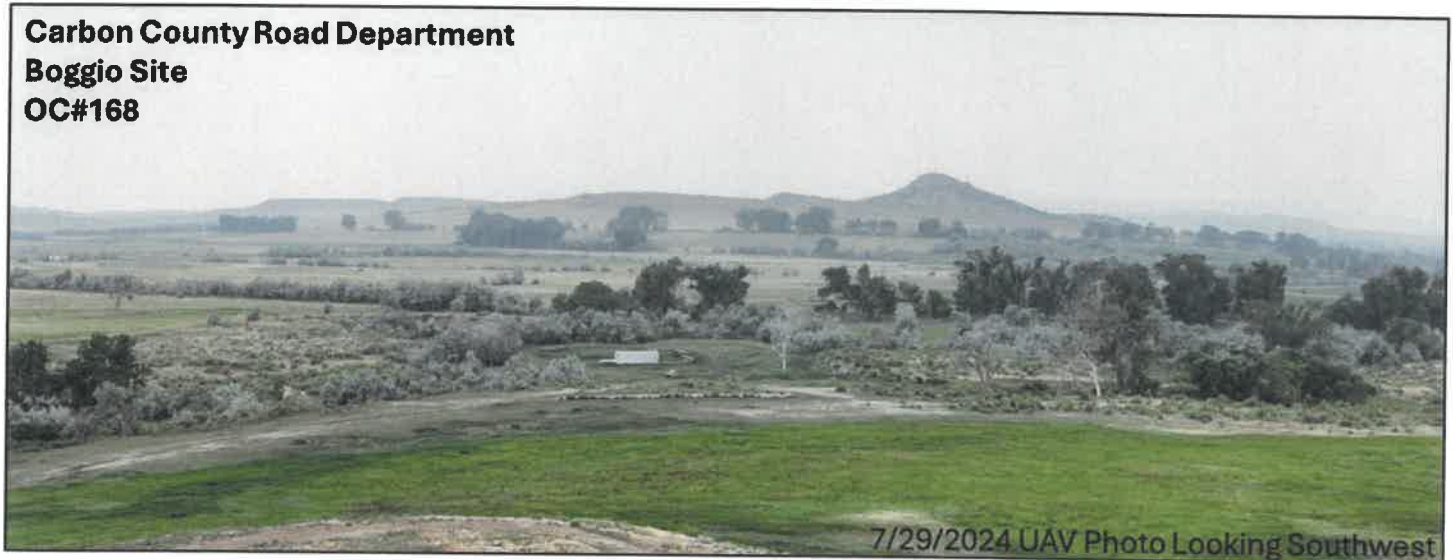
Total Time Onsite: **30 minutes**

Approximate Flight Time (total) **3 minutes**

Batteries Used: **1**

Weather ☐ Clear/Sunny ☐ Partly Cloudy ☒ Cloudy ☐ Rainy ☐ Snowing ☒ Wind Speed **8 mph**– **Approximate Temperature 75 °F**

Items Mapped: ☐ None ☐ Boundaries ☐ Lines ☒ Points and/or Photos





February 4, 2025

CERTIFIED MAIL #70212720000050020419
Return Receipt Requested

Carbon County Road Department
P.O. Box 887
Red Lodge, MT 59068

WARNING LETTER
#WLOC2025-38

RE: Violation of the Opencut Mining Act
Phillips, Permit #3371
Carbon County, Montana
Section 02, Township 6 S, Range 23 E

To Whom It May Concern:

On July 29 2024, Anne Spezia and JJ Conner of the Opencut Mining Section visited the Phillips site for a compliance inspection and observed the following violations. The site inspection report is attached. These findings establish violations of the Act and the Administrative Rules of Montana (ARM), Title 17, Chapter 24, Subchapter 2, as described below:

Violation No. 1 - Failure to place and/or maintain visible boundary markers.

- a. In Section C4-1 of the Permit, Carbon County Road Department committed to placing and maintaining visible boundary markers. During the site inspection, boundary markers were not found at any location of the site.

Corrective Action:

1. Within 60 days of this letter, the Operator will mark the site and provide written documentation to Opencut stating the site has been marked and brought back into compliance. Provide documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>.
or
2. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

This warning letter is being issued based upon DEQ's initial determination that violations have occurred. If you believe the facts describing the violation(s) set forth in this letter are incorrect, please submit documentation such as pictures, affidavits, copies of notes, or written explanation to the Opencut Section within **15 days from the date of this letter** to DEQOpencut@mt.gov, and copy anne.spezia@mt.gov.

Pursuant to the Administrative Rules of Montana (ARM) 17.24.225 your written response may inform DEQ of any asserted facts you wish DEQ to consider in further assessing whether violations occurred and in assessing any penalties. Issuance of this warning letter does not limit DEQ's authority to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action. The violations may result in a referral to DEQ's Enforcement Program for initiation of a formal enforcement action seeking administrative penalties under Section 82-4-441, MCA. DEQ has the authority to assess an administrative penalty of not less than \$100 or more than \$1,000 for each violation and an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues.

This letter does not constitute a "final decision of the Department" or an administrative order for the purposes of requesting a hearing before the Board of Environmental Review as provided in §§ 82-4-427 and 441, MCA.

Any questions regarding this violation letter, including the corrective actions to be taken, should be directed to the following:

Anne Spezia
Environmental Science Specialist
Mining Bureau - Opencut Mining Section
Department of Environmental Quality
P.O. Box 200901, Helena, Montana 59620-0901
Phone: (406) 444-9786; Email: anne.spezia@mt.gov

Sincerely,



Whitney Bausch
Opencut Mining Section Supervisor
Department of Environmental Quality

Enc: July 29, 2024 Inspection Report

C: Betty Phillips
459 Bridger-Fromberg Road
Fromberg, MT 59029

OPENCUT MINING INSPECTION REPORT

Date Inspected: **7/29/2024** Time of Inspection: **5:20 pm** Report sent to Operator via: ☒ US Mail ☐ Email Date: **2/4/2025**

Scientist: **Anne Spezia** Additional Persons Present at Site Inspection: **JJ Conner, DEQ**

Operator: **Carbon County Road Department** Site Name: **Phillips** County: **Carbon**

Reclamation Date: **12/31/2047** Date Site was Permitted or Amended: ☐ NA ☒ Date: **1/19/2022**

Opencut # **3371** Mineral(s) Mined: **Unspecified in Permit**

Decimal Degree: Latitude: **45.34609** Longitude: **-108.88244**

☐ Permit: ☒ Dryland ☐ Standard ☐ Pre-HB599 (permitted on 2019 or earlier forms)
☐ Pre-Application Meeting ☐ Amendment ☒ Compliance ☐ Referred Complaint ☐ Release Request ☐ Convert LOO to Permit
☐ Assignment ☐ Expiry ☐ No Reclamation Date

MCA 82-4-425 Site Inspection Notice Attempted Via:

☐ Email: Person emailed: **Carbon County Commissioners**
Email Address: commissioners@co.carbon.mt.us
Date Emailed: **7/26/2024**

BACKGROUND SITE INFORMATION

- 1) Topography & Features: **The site is located at the base of a fan above an irrigation ditch. The site is bisected by a large draw.**
- 2) Geology: **The surficial geology consists of alluvial fan deposit which is composed of gravel, sand, silt, clay, and ash beds; poorly sorted with large clasts matrix-supported or clast-supported.**
- 3) Site Located in Sage Grouse Habitat: ☐ No ☒ General ☐ Connectivity ☐ Core
Proof of consultation with DNRC is required for sites located in sage grouse habitat and must be submitted with the Opencut Mining Plan of Operation and Application.
- 4) Surface Water within 1,000ft: ☐ None ☐ Ephemeral drainage ☐ Intermittent Stream ☒ Irrigation Ditch/Canal ☐ Lake/Pond
☐ River ☐ Spring ☐ Stream/Creek ☐ Wetlands

FIELD VERIFIED

- 5) Site Marked: ☐ Yes ☒ No **See item #7 below for further details. Durable markers must be in place before submitting an application for a permit or a permit amendment. Markers must be placed so that no fewer than two consecutive markers are readily visible in any direction from any point on a line [ARM 17.24.228(5)].**
- 6) Mining/Disturbances: ☐ None ☐ Disturbance Near/Adjacent to Site
☒ On site: ☒ Permitted ☐ Historic ☐ Landowner Pit ☐ Unpermitted ☐ Limited Opencut Operation
- 7) Were violations and/or Inconsistencies with the Opencut Mining Act observed? ☐ No ☒ Yes
☒ Failure to place and/or maintain visible boundary markers – **No permit boundary markers were found during the site inspection.**
- 8) Existing Land Use:
☐ Cropland/Hayland ☐ Forest/Timberland ☐ Industrial/Commercial ☐ Oil & Gas ☒ Opencut Operation ☒ Pasture/Rangeland
☐ Pond ☐ Wetland ☐ Residential

- 9) Structures/Facilities near or within proposed permit boundary: ☐ None ☐ Construction Project ☐ Farming
☐ Industrial/Commercial ☐ Oil & Gas Structures ☒ Opencut Operation ☒ Power Lines or Facilities ☐ Residential ☒ Roads
☐ Underground Utilities ☒ Other: **Irrigation ditch**
- 10) Vegetation Type*: ☐ Crop/Hayland ☐ Pasture ☒ Rangeland ☐ Timber
 *Not all onsite species were identifiable at the time of the inspection.
- 11) Average % cover estimated (undisturbed areas): ☐ <50% ☒ 50%-60% ☐ 60%-70% ☐ 70%-80% ☐ 80%-90% ☐ >90%
- 12) Noxious Weeds Identified Onsite*:
☐ None Identified ☐ Cheatgrass ☐ Knapweed ☐ Leafy Spurge ☐ Tansy Ragwort ☐ Canada Thistle ☐ Dalmatian Toadflax
☐ Houndstongue ☐ Whitetop ☐ Field Bindweed ☒ Other: **Kochia**
 *Not all onsite species were identifiable at the time of the inspection.
- 13) Onsite Material Stockpiles: ☐ None ☒ Mine Material ☐ Asphalt ☐ Concrete ☒ Other (overburden, mixed, etc.): **gravel fines**
- 14) Onsite Soil: ☐ Replaced ☒ Stockpiled ☐ Not Present
- 15) Soil/OB Stockpiles Contain Legible Signage (required for new permits and amendments post March 2016)?
☐ NA ☐ Yes ☒ No **The operator must place clearly labeled signage on any soil stockpiles onsite.**
- 16) Soil Stockpiles Seeded? ☒ NA ☐ Yes ☐ No ☐ Weedy **Any vegetation appears to be volunteer.**
- 17) Are Site/Sound Barriers Present? ☒ NA ☐ Yes ☐ No
- 18) Is there a Highwall Onsite? ☒ Yes ☐ No
 Highwall Height: **35 feet** Determined by: ☐ Visually Estimated ☒ Measured by UAS flight processing software
 Highwall Length: **290 feet** Determined by: ☐ GPS ☒ Measured by UAS flight processing software
- 19) Erosion/Stability Problems: ☐ None Identified ☒ Yes **Rilling is occurring along the highwall and along the southern slope.**
- 20) Garbage Onsite? ☒ None Identified ☐ Yes
- 21) Surface Water Feature OK? ☒ NA ☐ Yes ☐ No
- 22) Fuel Tanks have Secondary Containment? ☒ NA ☐ Yes ☐ No
- 23) Dust Management OK? ☒ NA ☐ Yes ☐ No **Site was not in operation at the time of inspection.**
- 24) Drainages/Streams Protected? ☒ NA ☐ Yes ☐ No
- 25) Assignments: Note that if this site is planned to be assigned to another operator, it can only be assigned if the current permit was permitted or approved after 2010, there are no violations, and the site does not have an expired reclamation date. Contact Opencut with any questions.

SITE SPECIFIC SUMMARY & NOTES

The Phillips site was inspected for compliance by DEQ Opencut on July 29, 2024. The site was flown with an Unmanned Aerial Vehicle (UAV) to obtain current aerial imagery.

In the Permit, Carbon County Road Department committed to save on average, a soil depth of 9 inches across the site. Therefore, over 5.1 acres of disturbance, approximately 6,169 cubic yards should be stockpiled onsite. However, only 1,960 cubic yards of soil are currently stockpiled onsite, a shortage of roughly 4,309 cubic yards. The operator is advised to strip and salvage any remaining soil within the disturbance and to salvage a depth greater than 9 inches on any future disturbance to account for the current shortage.

Operators/consultants should consider submitting Opencut documents electronically to expedite the application process. Guidance for electronic submittals can be found under A-2 at <http://deq.mt.gov/Mining/assistance>.

Actions Required by the Operator based on the Field Inspection:

- **Do not conduct Opencut operations outside the permitted boundary.**

UAS Flight: ☐ None ☒ Yes

Total Time Onsite: **45 minutes**

Approximate Flight Time (total) **8 minutes**

Batteries Used: **1**

Weather ☐ Clear/Sunny ☐ Partly Cloudy ☒ Cloudy ☐ Rainy ☐ Snowing ☒ Wind Speed **13mph**— Approximate Temperature **70 °F**

Items Mapped: ☐ None ☒ Boundaries ☒ Lines ☒ Points and/or Photos



View of the Highwall Looking North/Northeast



View of the Site Looking West



View of Stockpiles Looking South



View of the Site Looking Northwest



February 4, 2025

CERTIFIED MAIL #70212720000050020396
Return Receipt Requested

Carbon County Road Department
P.O. Box 887
Red Lodge, MT 59068

VIOLATION LETTER
#VLOC2025-39

RE: Violation(s) of the Opencut Mining Act
Tucker #2, Permit #1931
Carbon County, Montana
Section 2, Township 6 S, Range 23 E

To Whom It May Concern:

On July 29, 2024, Anne Spezia and JJ Conner of the Opencut Mining Section visited the Tucker #2 site for a compliance inspection and observed the following violations. The site inspection report is attached. These findings establish violations of the Act and the Administrative Rules of Montana (ARM), Title 17, Chapter 24, Subchapter 2, as described below:

Violation No. 1 - Failure to maintain a 10-foot buffer stripped of soil from the crest of the highwall.

- a. In Section II-F(5) of the Plan, respectively, Carbon County Road Department committed to strip and salvage the depth of soil and overburden specified in the Plan and to maintain a 10-foot buffer stripped of soil from the crest of the highwall [ARM 17.24.219(1)(b)(i) - 2004 rules]. There is not a 10-foot buffer of stripped soil from the crest of the highwall in the following areas:
 - i. Eastern highwall (Highwall #1 as identified in 7/29/2024 Inspection Report)
 - ii. Southeastern highwall (Highwall #2 as identified in 7/29/2024 Inspection Report)

Corrective Action:

1. Due to winter conditions, the Operator has until May 31, 2025, to strip soil to maintain at least a 10-foot buffer from the crest of the highwall and provide photo documentation to Opencut identifying the areas brought back into compliance. Provide photo documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here [http://deq.mt.gov/Mining/assistance](http://deq.mt.gov/Mining/assistance;);
or

2. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

Violation No. 2 - Failure to strip and salvage the depth of soil required for successful reclamation of the site.

- a. In Section I-I(1a) of the Plan, Carbon County Road Department committed to stripping and saving for reclamation 3 inches of soil for the access road. [17.24.219(1)(b)(ii) ARM - 2004 Rules]. No soil stockpiles were found onsite or along the access road.

Corrective Action:

1. Due to winter conditions, the Operator has until May 31, 2025 to strip all remaining available soil, provide a soil quantity summary proving enough soil remains to meet the permitted requirements (i.e. quantity amount of soil stockpiled for reclamation) and provide photo documentation to Opencut identifying the areas brought back into compliance. If this option is chosen the operator must inform DEQ Opencut in writing within 60 days. Submit documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>. In addition, the *Soil & Overburden Quantity & Replacement Depth Calculation Worksheet* must be completed and returned with your response to this violation. The link to the worksheet is here: <https://deq.mt.gov/files/Land/OpenCut/Forms/2024-Worksheet-SoilOverburdenQuantity-ReplacementDepth-Calculation.docx> or
2. Within 60 days of this letter, the Operator will assess the onsite soil available for reclamation of the site. The operator will determine the permitted quantity required for reclamation in comparison to actual onsite soils and submit an updated bond that reflects the cost to import soil to meet reclamation requirements. In addition, the *Soil & Overburden Quantity & Replacement Depth Calculation Worksheet* must be completed and returned with your response to this violation. The link to the worksheet is here: <https://deq.mt.gov/files/Land/OpenCut/Forms/2024-Worksheet-SoilOverburdenQuantity-ReplacementDepth-Calculation.docx> or
3. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them

to do so to remain in compliance. If this option is chosen the operator must inform DEQ Opencut in writing within 60 days.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

Violation No. 3 - Failure to place and/or maintain visible boundary markers.

- a. In Section II-A of the Plan, Carbon County Road Department committed to placing and maintaining visible boundary markers. During the site inspection, boundary markers were not found for any vertices [17.24.218(1)(a) ARM – 2004 Rules].

Corrective Action:

1. Within 60 days of this letter, the Operator will mark the site and provide written documentation to Opencut stating the site has been marked and brought back into compliance. Provide documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>.
or
2. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance. If this option is chosen the operator must inform DEQ Opencut in writing within 60 days.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

Violation No. 4 - Unpermitted storage of asphalt.

- a. In Section II-H(4b) of the Plan, Carbon County Road Department committed to not generate, store, or bury asphalt onsite. Asphalt was found stored along the eastern portions of the permit [17.24.218(1)(g)(ii) ARM - 2004]

Corrective Action:

1. Within 60 days of this letter, the Operator will remove all asphalt from the site and provide photo and written documentation to Opencut that all asphalt has been removed from the site, bringing the site brought back into compliance. Provide documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>. Or
2. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

This violation letter is being issued based upon DEQ's initial determination that violations have occurred. If you believe the facts describing the violation(s) set forth in this letter are incorrect, please submit documentation such as pictures, affidavits, copies of notes, or written explanation to the Opencut Section within **15 days from the date of this letter** to DEQOpencut@mt.gov, and copy anne.spezia@mt.gov.

Pursuant to the Administrative Rules of Montana (ARM) 17.24.225 your written response may inform DEQ of any asserted facts you wish DEQ to consider in further assessing whether violations occurred and in assessing any penalties. Issuance of this warning letter does not limit DEQ's authority to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action. The violations may result in a referral to DEQ's Enforcement Program for initiation of a formal enforcement action seeking administrative penalties under Section 82-4-441, MCA. DEQ has the authority to assess an administrative penalty of not less than \$100 or more than \$1,000 for each violation and an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues.

This letter does not constitute a "final decision of the Department" or an administrative order for the purposes of requesting a hearing before the Board of Environmental Review as provided in §§ 82-4-427 and 441, MCA.

Any questions regarding this violation letter, including the corrective actions to be taken, should be directed to the following:

Anne Spezia
Environmental Science Specialist
Mining Bureau - Opencut Mining Section
Department of Environmental Quality
P.O. Box 200901, Helena, Montana 59620-0901
Phone: (406) 444-9786; Email: anne.spezia@mt.gov

Sincerely,



Whitney Bausch
Opencut Mining Section Supervisor
Department of Environmental Quality

Enc: July 29, 2024 Inspection Report

C: Mary Louise Tucker
262 Bridger-Fromberg Rd
Bridger, MT 59014

OPENCUT MINING INSPECTION REPORT

Date Inspected: **7/29/2024** Time of Inspection: **4:00 pm** Report sent to Operator via: ☒ US Mail ☐ Email Date: **2/4/2025**

Scientist: **Anne Spezia** Additional Persons Present at Site Inspection: **JJ Conner (DEQ)**

Operator: **Carbon County Road Department** Site Name: **Tucker #2** County: **Carbon**

Reclamation Date: **12/31/2029** Date Site was Permitted or Amended: ☐ NA ☒ Date: **10/14/2009**

Opencut # **1931** Mineral(s) Mined: **Gravel**

Decimal Degree: Latitude: **45.34328** Longitude: **-108.88014**

☐ Permit: ☐ Dryland ☐ Standard ☒ Pre-HB599 (permitted on 2019 or earlier forms)
☐ Pre-Application Meeting ☐ Amendment ☒ Compliance ☐ Referred Complaint ☐ Release Request ☐ Convert LOO to Permit
☐ Assignment ☐ Expiry ☐ No Reclamation Date

MCA 82-4-425 Site Inspection Notice Attempted Via:

☐ Email: Person emailed: **Carbon County Commissioners**
Email Address: **commissioners@co.carbon.mt.us**
Date Emailed: **7/26/2024**

BACKGROUND SITE INFORMATION

- 1) Topography & Features: **The site is located at the top of a small hill overlooking flat agricultural land.**
- 2) Geology: **The site is located within the Frontier Formation, composed of dark gray, carbonaceous shale interbedded with siltstone and sandstone, chert-pebble conglomerate, and coal.**
- 3) Site Located in Sage Grouse Habitat: ☐ No ☒ General ☐ Connectivity ☐ Core
Proof of consultation with DNRC is required for sites located in sage grouse habitat and must be submitted with the Opencut Mining Plan of Operation and Application.
- 4) Surface Water within 1,000ft: ☐ None ☐ Ephemeral drainage ☒ Intermittent Stream ☐ Irrigation Ditch/Canal ☐ Lake/Pond
☐ River ☐ Spring ☐ Stream/Creek ☐ Wetlands

FIELD VERIFIED

- 5) Site Marked: ☐ Yes ☒ No **See item #7 below for further information.**
- 6) Mining/Disturbances: ☐ None ☐ Disturbance Near/Adjacent to Site
☒ On site: ☒ Permitted ☐ Historic ☐ Landowner Pit ☐ Unpermitted ☐ Limited Opencut Operation
- 7) Were violations and/or Inconsistencies with the Opencut Mining Act observed? ☐ No ☐ Yes
☒ Failure to maintain a 10-foot buffer stripped of soil from the crest of the highwall – **The operator committed to maintaining this buffer in section II-F(5) of the Permit. 17.24.219(1)(b)(i) ARM (2004.)**
☒ Failure to strip and salvage the depth of soil and overburden specified in the plan – **Section I-I(1a) of the Permit states that an average of 3 inches of soil would be saved for the access road. No soil appears to have been stockpiled onsite or along the access road. 17.24.219(1)(b)(ii) ARM (2004).**

☒ Failure to place and/or maintain visible boundary markers – **In section II-A of the Permit, the operator committed to clearly marking the main permit area boundary. 17.24.218(1)(a) ARM (2004).**

☒ Unpermitted storage/burial of asphalt – **Section II-H(4a) of the Permit states that if there will be onsite stockpiling of asphalt, an Application for Concrete and Asphalt Recycling form must be completed. In section II-H(4b) the operator checked “No” indicating that the form would not be attached. 17.24.218(1)(g)(ii) ARM (2004).**

8) Existing Land Use:

☐ Cropland/Hayland ☐ Forest/Timberland ☐ Industrial/Commercial ☐ Oil & Gas ☒ Opencut Operation ☒ Pasture/Rangeland
☐ Pond ☐ Wetland ☐ Residential

9) Structures/Facilities near or within proposed permit boundary: ☐ None ☐ Construction Project ☒ Farming

☐ Industrial/Commercial ☐ Oil & Gas Structures ☒ Opencut Operation ☒ Power Lines or Facilities ☒ Residential ☒ Roads
☐ Underground Utilities

10) Vegetation Type: ☐ Crop/Hayland ☐ Pasture ☒ Rangeland ☐ Timber ☐ Other

11) Average % cover estimated (undisturbed areas): ☐ <50% ☒ 50%-60% ☐ 60%-70% ☐ 70%-80% ☐ 80%-90% ☐ >90%

12) Noxious Weeds Identified Onsite*:

☐ None Identified ☒ Cheatgrass ☐ Knapweed ☐ Leafy Spurge ☐ Tansy Ragwort ☐ Canada Thistle ☐ Dalmatian Toadflax
☐ Houndstongue ☐ Whitetop ☐ Field Bindweed

*Not all onsite species were identifiable at the time of the inspection.

13) Onsite Material Stockpiles: ☐ None ☒ Mine Material ☒ Asphalt ☐ Concrete

14) Onsite Soil: ☐ Replaced ☐ Stockpiled ☒ Not Present

15) Soil/OB Stockpiles Contain Legible Signage (required for new permits and amendments post March 2016)?

☒ NA ☐ Yes ☐ No

16) Soil Stockpiles Seeded? ☒ NA ☐ Yes ☐ No ☐ Weedy

17) Are Site/Sound Barriers Present? ☒ NA ☐ Yes ☐ No

18) Is there a Highwall Onsite? ☒ Yes ☐ No

Highwall #1 Height: **19 feet** Determined by: ☐ Visually Estimated ☒ Measured by UAS flight processing software

Highwall #1 Length: **190 feet** Determined by: ☐ GPS ☒ Measured by UAS flight processing software

Highwall #2 Height: **18 feet** Determined by: ☐ Visually Estimated ☒ Measured by UAS flight processing software

Highwall #2 Length: **220 feet** Determined by: ☐ GPS ☒ Measured by UAS flight processing software

19) Erosion/Stability Problems: ☐ None Identified ☒ Yes **The operator has mined into soil along the highwalls causing it to erode into the pit.**

20) Garbage Onsite? ☒ None Identified ☐ Yes

21) Surface Water Feature OK? ☒ NA ☐ Yes ☐ No

22) Fuel Tanks have Secondary Containment? ☒ NA ☐ Yes ☐ No

23) Dust Management OK? ☒ NA ☐ Yes ☐ No **The site was not in operation at the time of inspection.**

24) Drainages/Streams Protected? ☒ NA ☐ Yes ☐ No

25) Assignments: Note that if this site is planned to be assigned to another operator, it can only be assigned if the current permit was permitted or approved after 2010, there are no violations, and the site does not have an expired reclamation date. Contact Opencut with any questions.

SITE SPECIFIC SUMMARY & NOTES

The Tucker #2 site was inspected for compliance by DEQ Opencut on July 29, 2024. The site was flown with an Unmanned Aerial Vehicle (UAV) to obtain current aerial imagery.

Four violations were discovered onsite and are detailed above in item #7. A violation letter will accompany this inspection report. Timeframes for violation resolution will be outlined in the letter.

Operators/consultants should consider submitting Opencut documents electronically to expedite the application process. Guidance for electronic submittals can be found under A-2 at <http://deq.mt.gov/Mining/assistance>.

Actions Required by the Operator based on the Field Inspection:

- (if expired reclamation date) No Opencut operations can occur at this site (except reclamation) until a permit is approved. Do not conduct Opencut operations at this site until it is permitted.
- Do not conduct Opencut operations outside the permitted boundary until the amendment is approved.

UAS Flight: ☐ None ☒ Yes

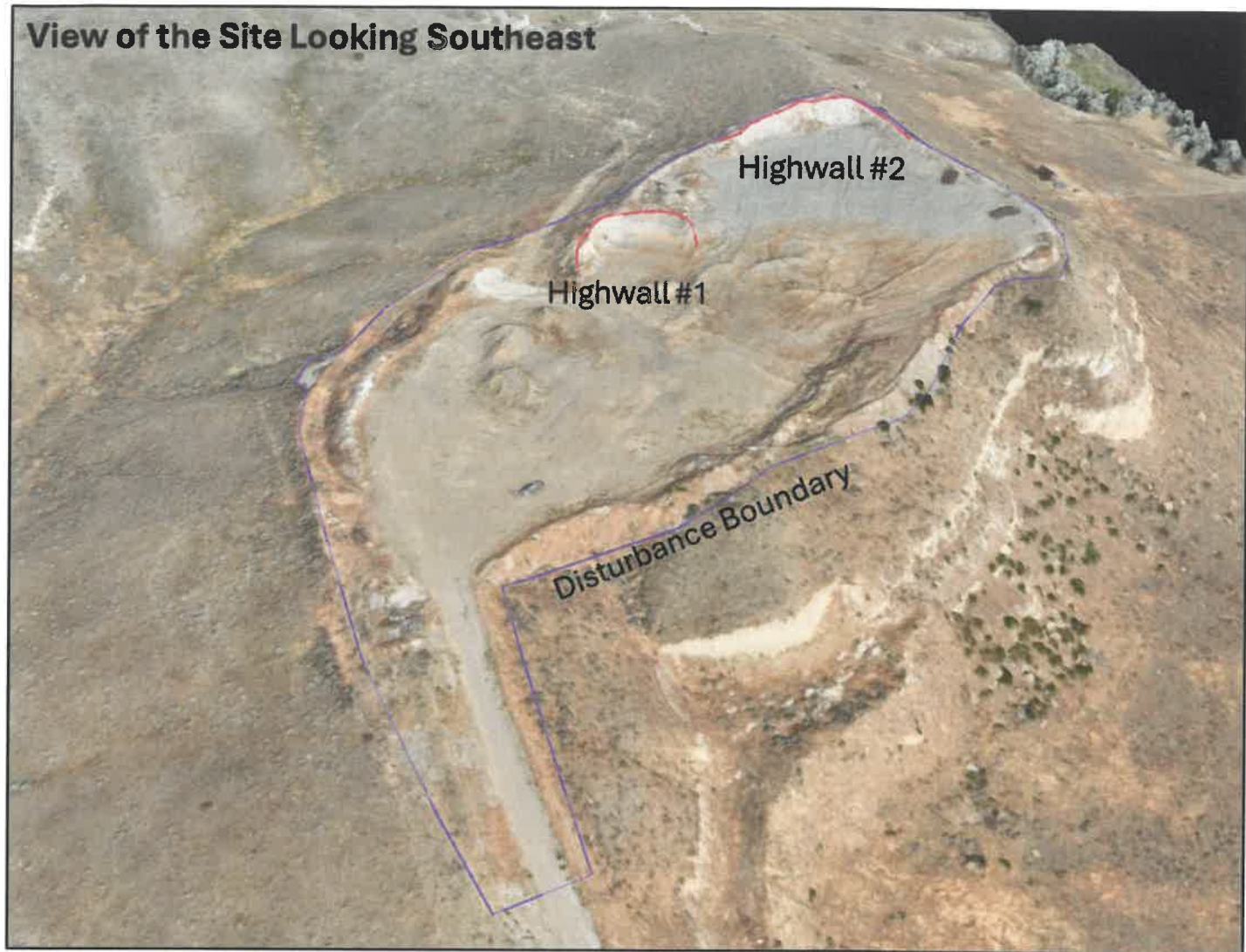
Total Time Onsite: 1 hour

Approximate Flight Time (total) 12 minutes

Batteries Used: 1

Weather ☐ Clear/Sunny ☐ Partly Cloudy ☒ Cloudy ☐ Rainy ☐ Snowing ☒ Wind Speed 14 mph– Approximate Temperature 70 °F

Items Mapped: ☐ None ☒ Boundaries ☒ Lines ☒ Points and/or Photos



View of the Site Looking East



View of Highwall #1 Looking Southeast



Soil has been mined into along Highwall #1



Looking Southeast at Highwall #2



View of the Site Looking West



Asphalt Stockpiled Onsite



February 4, 2025

CERTIFIED MAIL #70212720000050020402
Return Receipt Requested

Carbon County Road Department
P.O. Box 887
Red Lodge, MT 59068

VIOLATION LETTER
#VLOC2025-37

RE: Violation(s) of the Opencut Mining Act
Tucker, Permit #164
Carbon County, Montana
Section 3, Township 6 S, Range 23 E

To Whom It May Concern:

On July 29, 2024, Anne Spezia and JJ Conner of the Opencut Mining Section visited the Tucker Site for a compliance and observed the following violations. The site inspection report is attached. These findings establish violations of the Act and the Administrative Rules of Montana (ARM), Title 17, Chapter 24, Subchapter 2, as described below:

Violation No. 1 - Failure to strip and salvage the depth of soil and overburden required for successful reclamation of the site.

- a. In the Application for Amended Mined Land Reclamation Contract (Permit), Carbon County Road Department committed to stripping and saving for reclamation 1 inch of soil and 1.5 inches of overburden. [[§82-4-422\(1\)](#)], MCA] No stockpiles of soil or overburden were found onsite.

Corrective Action:

1. Due to winter conditions, the Operator has until May 31, 2025 to strip all remaining available soil, provide a soil quantity summary proving enough soil remains to meet the permitted requirements (i.e. quantity amount of soil stockpiled for reclamation) and provide photo documentation to Opencut identifying the areas brought back into compliance. Submit photo documentation via the Montana File Transfer Service (FTS) as described in Opencut's instructional document located here <http://deq.mt.gov/Mining/assistance>. In addition, the *Soil & Overburden Quantity & Replacement Depth Calculation Worksheet* must be completed and returned with your response to this violation. The link to the worksheet is here: <https://deq.mt.gov/files/Land/OpenCut/Forms/2024-Worksheet-SoilOverburdenQuantity-ReplacementDepth-Calculation.docx>

or

2. Within 60 days of this letter, the Operator will assess the onsite soil available for reclamation of the site. The operator will determine the permitted quantity required for reclamation in comparison to actual onsite soils and submit an updated bond that reflects the cost to import soil to meet reclamation requirements. In addition, the *Soil & Overburden Quantity & Replacement Depth Calculation Worksheet* must be completed and returned with your response to this violation. The link to the worksheet is here: <https://deq.mt.gov/files/Land/OpenCut/Forms/2024-Worksheet-SoilOverburdenQuantity-ReplacementDepth-Calculation.docx>

or

3. Due to winter conditions, the Operator will complete Phase I Reclamation by May 31, 2025 and submit a complete Phase I Release Request to DEQ Opencut. Although counties do not typically submit Phase I Release Requests, this option requires them to do so to remain in compliance.

The operator must continue to conduct all required reclamation activities to ensure reclamation of the site to the productive postmining land use stated in the expired permit is achieved. After two growing seasons, and once all reclamation requirements including successful revegetation are met, submit a Phase II Bond Release Request no later than December 31, 2026.

Non-governmental operators must maintain a valid bond until the site meets all Phase II Bond release requirements and the release request is approved in writing by DEQ.

This violation letter is being issued based upon DEQ's initial determination that violations have occurred. If you believe the facts describing the violation(s) set forth in this letter are incorrect, please submit documentation such as pictures, affidavits, copies of notes, or written explanation to the Opencut Section within **15 days from the date of this letter** to DEQOpencut@mt.gov, and copy anne.spezia@mt.gov.

Pursuant to the Administrative Rules of Montana (ARM) 17.24.225 your written response may inform DEQ of any asserted facts you wish DEQ to consider in further assessing whether violations occurred and in assessing any penalties. Issuance of this warning letter does not limit DEQ's authority to bring a judicial action for penalties or injunctive relief or to initiate an administrative enforcement action. The violations may result in a referral to DEQ's Enforcement Program for initiation of a formal enforcement action seeking administrative penalties under Section 82-4-441, MCA. DEQ has the authority to assess an administrative penalty of not less than \$100 or more than \$1,000 for each violation and an additional administrative penalty of not less than \$100 or more than \$1,000 for each day during which the violation continues.

This letter does not constitute a "final decision of the Department" or an administrative order for the purposes of requesting a hearing before the Board of Environmental Review as provided in §§ 82-4-427 and 441, MCA.

Any questions regarding this violation letter, including the corrective actions to be taken, should be directed to the following:

Anne Spezia
Environmental Science Specialist
Mining Bureau - Opencut Mining Section
Department of Environmental Quality
P.O. Box 200901, Helena, Montana 59620-0901
Phone: (406) 444-9786; Email: anne.spezia@mt.gov

Sincerely,



Whitney Bausch
Opencut Mining Section Supervisor
Department of Environmental Quality

Enc: July 29, 2024 Inspection Report

C: Mary Louise Tucker
262 Bridger-Fromberg Rd
Bridger, MT 59014

OPENCUT MINING INSPECTION REPORT

Date Inspected: **7/29/2024** Time of Inspection: **5:00 pm** Report sent to Operator via: ☒ US Mail ☐ Email Date: **2/4/2025**

Scientist: **Anne Spezia** Additional Persons Present at Site Inspection: **JJ Conner (DEQ)**

Operator: **Carbon County Road Department** Site Name: **Tucker** County: **Carbon**

Reclamation Date: **N/A** Date Site was Permitted or Amended: ☐ NA ☒ Date: **11/1/1987**

Opencut # **164** Mineral(s) Mined: **Gravel**

Decimal Degree: Latitude: **45.34366** Longitude: **-108.88571**

☒ Permit: ☐ Dryland ☐ Standard ☒ Pre-HB599 (permitted on 2019 or earlier forms)
☐ Pre-Application Meeting ☐ Amendment ☒ Compliance ☐ Referred Complaint ☐ Release Request ☐ Convert LOO to Permit
☐ Assignment ☐ Expiry ☐ No Reclamation Date

MCA 82-4-425 Site Inspection Notice Attempted Via:

☐ Email: Person emailed: **Carbon County Commissioners**

Email Address: **commissioners@co.carbon.mt.us**

Date Emailed: **7/26/2024**

BACKGROUND SITE INFORMATION

- 1) Topography & Features: **The site is located immediately adjacent to Musegades Road at the base of a hill. An irrigation ditch runs west/southwest of the site.**
- 2) Geology: **The surficial geology consists of alluvial fan deposit which is composed of gravel, sand, silt, clay, and ash beds; poorly sorted with large clasts matrix-supported or clast-supported.**
- 3) Site Located in Sage Grouse Habitat: ☐ No ☒ General ☐ Connectivity ☐ Core
Proof of consultation with DNRC is required for sites located in sage grouse habitat and must be submitted with the Opencut Mining Plan of Operation and Application.
- 4) Surface Water within 1,000ft: ☐ None ☐ Ephemeral drainage ☒ Intermittent Stream ☒ Irrigation Ditch/Canal ☐ Lake/Pond
☐ River ☐ Spring ☐ Stream/Creek ☐ Wetlands

FIELD VERIFIED

- 5) Site Marked: ☐ Yes ☒ No **No boundary markers were found onsite.**
- 6) Mining/Disturbances: ☐ None ☐ Disturbance Near/Adjacent to Site
☒ On site: ☒ Permitted ☒ Historic ☐ Landowner Pit ☐ Unpermitted ☐ Limited Opencut Operation
- 7) Were violations and/or Inconsistencies with the Opencut Mining Act observed? ☐ No ☒ Yes
☒ Failure to strip and salvage the depth of soil and overburden specified in the plan – **The operator committed to stripping and salvaging 1 inch of soil and 1.5 inches of overburden. With 1.2 acres of disturbance, there should be 160 cubic yards of soil and 240 cubic yards of overburden onsite. No stockpiles of soil or overburden were found onsite.**
- 8) Existing Land Use:

☐ Cropland/Hayland ☐ Forest/Timberland ☐ Industrial/Commercial ☐ Oil & Gas ☒ Opencut Operation ☐ Pasture/Rangeland
☐ Pond ☐ Wetland ☐ Residential ☒ Other: **Hay storage**

- 9) Structures/Facilities near or within proposed permit boundary: ☐ None ☐ Construction Project ☒ Farming
☐ Industrial/Commercial ☐ Oil & Gas Structures ☐ Opencut Operation ☒ Power Lines or Facilities ☒ Residential ☒ Roads
☐ Underground Utilities ☒ Other: **Irrigation ditch**

- 10) Vegetation Type: ☐ Crop/Hayland ☐ Pasture ☒ Rangeland ☐ Timber

- 11) Average % cover estimated (undisturbed areas): ☐ <50% ☐ 50%-60% ☒ 60%-70% ☐ 70%-80% ☐ 80%-90% ☐ >90%

- 12) Noxious Weeds Identified Onsite*:

☐ None Identified ☐ Cheatgrass ☐ Knapweed ☐ Leafy Spurge ☐ Tansy Ragwort ☐ Canada Thistle ☐ Dalmatian Toadflax
☐ Houndstongue ☐ Whitetop ☐ Field Bindweed ☒ Other: **Kochia**

*Not all onsite species were identifiable at the time of the inspection.

- 13) Onsite Material Stockpiles: ☒ None ☐ Mine Material ☐ Asphalt ☐ Concrete ☐ Other (overburden, mixed, etc.):

- 14) Onsite Soil: ☐ Replaced ☐ Stockpiled ☒ Not Present **See item #7 above for additional information.**

- 15) Soil/OB Stockpiles Contain Legible Signage (required for new permits and amendments post March 2016)?
☒ NA ☐ Yes ☐ No

- 16) Soil Stockpiles Seeded? ☒ NA ☐ Yes ☐ No ☐ Weedy

- 17) Are Site/Sound Barriers Present? ☒ NA ☐ Yes ☐ No

- 18) Is there a Highwall Onsite? ☒ Yes ☐ No

Highwall Height: **15 feet** Determined by: ☒ Visually Estimated ☐ Measured by UAS flight processing software

Highwall Length: **100 feet** Determined by: ☒ GPS ☐ Measured by UAS flight processing software

- 19) Erosion/Stability Problems: ☐ None Identified ☒ Yes **Some slumping appears to have occurred along the highwall.**

- 20) Garbage Onsite? ☒ None Identified ☐ Yes

- 21) Surface Water Feature OK? ☒ NA ☐ Yes ☐ No

- 22) Fuel Tanks have Secondary Containment? ☒ NA ☐ Yes ☐ No

- 23) Dust Management OK? ☒ NA ☐ Yes ☐ No **The site was not in operation at the time of inspection.**

- 24) Drainages/Streams Protected? ☒ NA ☐ Yes ☐ No

- 25) Assignments: Note that if this site is planned to be assigned to another operator, it can only be assigned if the current permit was permitted or approved after 2010, there are no violations, and the site does not have an expired reclamation date. Contact Opencut with any questions.

SITE SPECIFIC SUMMARY & NOTES

The Tucker site was inspected for compliance by DEQ Opencut on July 29, 2024.

Using GIS software, DEQ determined that 1.2 acres have been disturbed at the Tucker site. However, it is currently being used for hay storage. The 2023 Carbon County Road Department Annual Production Report stated that the Tucker site has not been mined since 1995. This indicates to the Department that the operator may no longer wish to continue mining the site.

If the operator would like to release the site they may submit a *Phase II Release Request* form signed and notarized by the landowner. To be eligible for Phase II Release, the operator must remove all debris, grade the site to slopes of 3:1 or flatter, spread any available

overburden and soil across the disturbance, spread a seed mix and achieve two seasons of vegetative growth. The site will not be eligible for Phase II Release until these requirements are met.

Additionally, a Violation Letter will accompany this inspection report. See item #7 above for additional details.

Operators/consultants should consider submitting Opencut documents electronically to expedite the application process. Guidance for electronic submittals can be found under A-2 at <http://deq.mt.gov/Mining/assistance>.

Actions Required by the Operator based on the Field Inspection:

- Address the forthcoming Violation Letter within the given timeframes

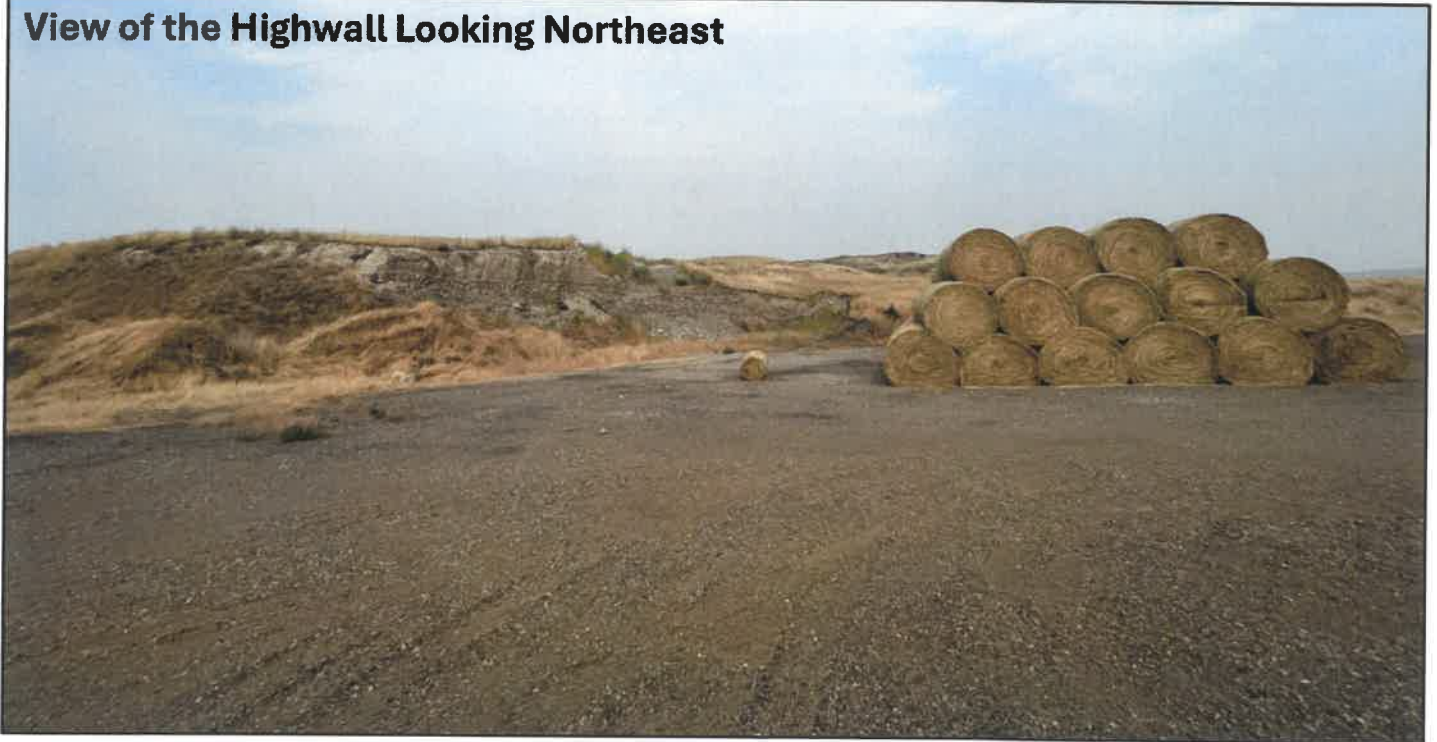
UAS Flight: ☒ None ☐ Yes

Total Time Onsite: 15 minutes

Weather ☐ Clear/Sunny ☒ Partly Cloudy ☐ Cloudy ☐ Rainy ☐ Snowing ☒ Wind Speed 13 mph— Approximate Temperature 70 °F

Items Mapped: ☐ None ☐ Boundaries ☐ Lines ☒ Points and/or Photos

View of the Highwall Looking Northeast



View of the Highwall Looking Northeast



PUBLIC INFORMATION OFFICER INTERLOCAL AGREEMENT

THIS AGREEMENT is entered into by Carbon County herein referred to as "County," and Red Lodge Rural Fire District 7, herein referred to as "District 7."

WHEREAS, the County and District 7 can jointly provide a higher output of Public Information Officer (PIO) communications more efficiently than could be provided as a stand-alone entity; and

WHEREAS, District 7 has the trained staff in PIO functions to coordinate with during emergency response events; and

WHEREAS, the parties to this agreement understand neither local government involved herein has in any way, expressly or implied, abrogated any of its individual powers, and this Agreement does not create any new organization or legal entity;

NOW, THEREFORE, the County and District 7 mutually agree to the following:

The County will compensate District 7 for all personnel time related to providing PIO functions for the County as agreed herein by paying District 7 the current hourly wage and fringe benefit rate for the Public Information Officer; as of September 3, 2024 the combined rate is \$59.44/hr regular time and \$76.99/hr overtime. Payments shall be made once invoiced by District 7 in accordance with the County's Procurement Policy.

- I. Summary of the purpose of the PIO functions on behalf of the County
 - A. The PIO, on behalf of the County, will serve as a liaison between Carbon County and the public by coordinating and collaborating public communication and outreach. Work is primarily focused on the technical facet of journalist preparation, organization and distribution of information through necessary means.
- II. Responsibilities delegated to District 7 personnel in the PIO position
 - A. Proactively develop accurate, accessible, and timely information for distribution via press releases and other public-facing communication pieces;
 - B. Communicate critical information in an effective manner to the public, media, and partnering agencies;
 - C. Arrange tours, community outreach events, interviews, and briefings;

- D. Prepare and post external, public-facing communication for social media and other online platforms such as Facebook, Instagram, and other platforms;
- E. Function as a member of the Incident Command team in the event of a declared emergency or critical incident;
- F. Work directly with Incident Command, including getting approval for public messaging;
- G. Attend incident briefings as per the schedule set by Incident Command;
- H. Understand and advise Incident Command on any necessary limits on information release;
- I. Conduct and prepare officials for media briefings;
- J. Assist with maintaining the necessary County email account(s);
- K. Answer the PIO mobile phone and address any questions or concerns that come via this form of communication; and
- L. Prepare and distribute public outreach mailings, posters, flyers, thank-you cards, etc.

III. Personnel

- A. District 7 shall pay all employment taxes and shall provide workers' compensation insurance for the paid personnel functioning as the PIO as appropriate.

IV. Duration of Contract

- A. The agreement shall be valid for one year from the date signed and shall be reviewed annually until properly canceled. Parties have the authority to terminate this Agreement at the end of any fiscal year by giving a minimum of a 30-day notice delivered in writing to the other parties.

This agreement has been approved by the Carbon County Board of Commissioners and Red Lodge Rural Fire District 7 and shall be effective on the first day of September 2024.

Carbon County Board of Commissioners

Rural Fire District #7


 Scott C. Miller, Dist. #1 Date 9-24-24


 Chief Date 9/24/24


 Scott Blain, Dist. #2 Date 9/24/2024


 Bill E Bullock, Dist. #3 Date 9-24-2024

**PUBLIC INFORMATION OFFICER
INTERLOCAL AGREEMENT ADDENDUM #1**

On the date of September 24, 2024 the Parties entered into the PUBLIC INFORMATION OFFICER INTERLOCAL AGREEMENT, where Red Lodge Rural Fire District #7 will provide Public Information Officer functions during emergency response events.

The parties agree to the following agreement alterations:

- Commission to request assistance from Red Lodge Rural District #7 for public information roles related to Public Health Department functions specific to Measles concerns;
- Emergency response events may include pre-incident work to help mitigate misinformation to the public, and ensure proper messaging to entities and communities involved;
- Continued monitoring of pre-incident information until emergency is deemed not imminent;
- Up to 2 hours per week unless an increase for time is approved by both parties through July 31st, 2025;
- Communication shall be facilitated and initiated via Carbon County’s Public Health Officer or Public Health Director.

This addendum has been approved by the Carbon County Board of Commissioners and Red Lodge Rural Fire District 7 and shall be effective on the 24th day of April, 2025.

Carbon County Board of Commissioners

Rural Fire District #7

Scott C. Miller, Dist. #1 Date

Board Chair Date

Scott Blain, Dist. #2 Date

Bill E Bullock, Dist. #3 Date