

Proposed FMAC Resolution the Director Creagh, February 4, 2015, presented by Marvin Roberson

Motion:

The FMAC advises the Director to act on the Graymont Land Transaction Application only under the following circumstances:

- 1) An Application and Chiefs' Recommendation have been presented "For Information" at a prior Natural Resources Commission meeting.
- 2) Neither the Application nor Chiefs' Recommendation has changed since being presented to the NRC "For Information".

Background:

This motion addresses procedural concerns regarding the Graymont LTA process. This motion is explicitly NOT intended to address the substance of the LTA.

The Graymont LTA is one of the largest and most complex LTA the DNR has ever processed, encompassing over 10,000 acres of proposed land and minerals sale and exchanges. As such, it is very controversial, and has received significant public scrutiny.

Many feel that the ability of the public to review and comment on the LTA has been hindered by the large number of iterations to the LTA. This motion seeks to address those concerns.

The initial Graymont LTA was submitted on 4/30/12. Since then, there have been a total of 7 iterations submitted by Graymont. 4 of those were between Jan 5 and Feb 27, 2015 (a period of 34 days). Many were within a week of the previous version, and/or were submitted after a previous version was placed on the NRC Agenda (see attached timeline).

This motion is simply designed to allow the public a period of 30 days to review and comment on the version of the application which is to be decided upon. Many feel that they have been presented with a continually moving target, with inadequate time to review each iteration, and no assurances that the LTA will not change within a week. This motion seeks to address that.

If changes are made to the Application or Chiefs' Recommendation after being presented to the NRC "For Information", they can be presented again "For Information", thus again starting the 30-day period for the public to consider the version of the application which will be up for decision.

GRAYMONT TIMELINE

Applications received:

4/30/12 INITIAL Application Received
9/6/12 REVISED Application Received
10/8/14 REVISED Application Received
1/5/15 REVISED Application Received
1/9/15 REVISED Application Received
1/30/15 REVISED Application Received
2/27/15 REVISED Application Received

Overall Timeline:

4/30/12 INITIAL Application Received
9/6/12 REVISED Application Received
10/8/14 REVISED Application Received
1/5/15 REVISED Application Received
1/9/15 REVISED Application Received
1/13/15 Chiefs' Memo released, advising REJECTION of 1/9/15 Application
1/28/15 DNR Public meeting in Newberry - Graymont speaks for 20 minutes, with no mention that a new application will be submitted less than 48 hours after public meeting.
1/30/15 REVISED Application Received
2/6/15 DNR announces receipt of Application dated 1/30/15
2/12/15 At NRC, DNR Director announces that no Decision will occur before March 13, 2015 NRC, in order to fulfill commitment to allow the public a full 30 days to comment.
2/24/15 DNR announces March 19 NRC. Includes Application dated 1/9/15, Chiefs' Memo dated 1/13/15 regarding Application dated 1/9/15, and indicates that a Decision on these will be made March 19, 2015. No mention of Application dated 1/30/15.
2/27/15 REVISED Application Received - 7th Application overall, 4th Application in less than 60 days.