



Jim Ruby <jim.ruby@wyo.gov>

Re: Eagle Butte

David M. Bagley <Bagley@uwyo.edu>

Wed, Nov 18, 2015 at 9:48 PM

To: "sanderson@powderriverbasin.org" <sanderson@powderriverbasin.org>, Jim Ruby <jim.ruby@wyo.gov>, andrew kuhlmann <andrew.kuhlmann@wyo.gov>

Cc: james kaste <james.kaste@wyo.gov>, Mackenzie Williams <mackenzie.williams@wyo.gov>

To all parties,

This is a complicated case. I have carefully evaluated the submissions and opinions and determined:

1. The short hearing scheduled for November 19 will proceed, unless the parties resolve this among themselves.

2. The original argument framework was constructed quickly. I have determined that it is too broad for the November 19 hearing. Many of the issues raised in the original argument framework are more appropriate for a subsequent hearing, if that is determined by the Council to be necessary.

3. The November 19 hearing will therefore focus on the following two points that are directly relevant to the Council at this time:

(a) Whether to grant the Petitioner's request for a full hearing related to their concerns. So the November 19 hearing is not the full hearing requested by the Petitioners but instead will determine whether to have the full hearing. The required schedule for holding the full hearing will still be valid, depending on the Council's decision on this point.

(b) Whether to grant the Petitioner's request for a temporary order. This was a separate request of the Petitioners and can be addressed tomorrow.

4. I do not consider it appropriate for me to make a decision on behalf of the Council on these two points. Those decisions rightly belong to the Council. The issue of the bankruptcy order may have relevance to the decisions that the Council will reach and I expect arguments from the parties accordingly.

Sincerely,

David M. Bagley
Chair, Wyoming Environmental Quality Council
Presiding Officer for the Hearing Related to Docket 15-4801

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Jim Ruby, Executive Secretary
Environmental Quality Council

From: Shannon Anderson <sanderson@powderriverbasin.org>

Organization: Powder River Basin Resource Council

Reply-To: "sanderson@powderriverbasin.org" <sanderson@powderriverbasin.org>

Date: Wednesday, November 18, 2015 10:28 AM

To: 'Jim Ruby' <jim.ruby@wyo.gov>, 'andrew kuhlmann' <andrew.kuhlmann@wyo.gov>