

the other objectors' requests for an informal conference.¹ In the event that DEQ confirms its decision to deny the requests for an informal conference, Big Horn now requests a contested case hearing before the Council regarding Brook Mine's permit application and Big Horn's objections thereto pursuant to Wyo. Stat. Ann. § 35-11-112(a)(iv),(c)(ii); -406(k),(p).

Facts

1. Big Horn Coal Company is a Wyoming corporation, active and in good standing, with its principal office located at 110980 South Jordan Gateway, South Jordan, Utah. Big Horn is wholly owned by LHR Coal, LLC and LHR Coal, LLC is wholly owned by Lighthouse Resources, Inc.

2. Brook Mining Company, LLC is a Wyoming limited liability company with its principal office located at 1101 Sugarview Drive, Ste. 201, Sheridan, WY.

3. Brook Mine has submitted an application for a coal mining permit from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming, DEQ File No. TFN 6 2-025 (the "permit application").

¹ Big Horn asserts that numerous requests for an informal conference were made during the period for filing objections to Brook Mine's permit application pursuant to Wyo. Stat. Ann. § 35-11-406(k). In furtherance of its initial request and given the current, unique procedural posture of this matter, Big Horn has also formally renewed its request for an administrative, informal conference, attached hereto as **Exhibit A**. This request for a contested case hearing before the Council is contingent on a confirmed denial of an opportunity for informal conference and to ensure that the objections of Big Horn are properly presented and considered.

4. According to the public notice, the coal mining permit area will be located in: Sections 10, 11, 12, 13, 14 and 15 of Township 57N, Range 85W and Sections 7, 8, 9, 10, 15, 17, 18, 20, 21, 22, and 27 of Township 57N, Range 84W Sheridan County, Wyoming (the “permit area”).

5. Big Horn is the owner of real property interests in the permit area that will be negatively affected by proposed mining operations.

6. Big Horn has existing rights and reclamation obligations pursuant to its existing Mine Permit No. 213-T8, which lies within the boundaries of Brook Mine’s proposed mine permit area.

7. Pursuant to the Public Notice of Brook Mining Co., LLC Permit Application, written objections to the proposed mining operation were to be received by the Administrator of the Land Quality Division, Department of Environmental Quality before the close of business on January 27, 2017. *See* EQC Docket No. 17-4801.

8. Big Horn, along with several other parties, timely filed written objections to the proposed mining operation citing numerous concerns, including but not limited to, highly technical issues regarding the accuracy and completeness of Brook Mine’s mine and reclamation plans due to a lack of testing, data, and analysis to support present conclusions on hydrologic impacts, material strength, sloughing, and dangers related to existing subsurface fire activity and subsidence. The objections primarily address concerns pertaining to human health, safety and

the likely environmental impacts of the proposed mining operation. *See* EQC Docket No. 17-4801.

Request for Hearing

Big Horn now requests that the Environmental Quality Council schedule and hold a contested case hearing in this matter, in accordance with the Wyoming Administrative Procedure Act, whereby the Council will make findings of fact and issue a determination on the permit application.

Issues to be Determined at the Hearing

1. Whether Brook Mine has satisfied its obligations to ensure that the permit application is in compliance with Wyoming's Environmental Quality Act and all applicable state laws, and that Brook Mine has demonstrated that it has or can meet all requirements set forth in Wyo. Stat. Ann. § 35-11-406(n).
2. Whether Brook Mine has met and satisfied all conditions and requirements for submission and approval of its permit application, mining plan and reclamation plan found in the Environmental Quality Act and the Rules and Regulations of the Wyoming Department of Environmental Quality, including but not limited to those from Wyo. Admin. Code ENV LQD Ch. 2 and Ch. 12.

WHEREFORE, Big Horn hereby requests that the Environmental Quality Council schedule and hold a contested case hearing in this matter whereby:

1. The Council shall issue findings of fact and a decision on the permit application within sixty (60) days after the final hearing. Wyo. Stat. Ann. § 35-11-406(p).

2. The Director of the Department of Environmental Quality shall issue or deny the permit within fifteen (15) days of the Council's findings and decision. *Id.*
3. The parties shall be afforded right of judicial review from any action resulting from this hearing as provided in the Wyoming Administrative Procedure Act. *Id.* at -406(k).

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By 
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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2017, a true and correct copy of the foregoing was served by certified mail, return receipt requested, to the following:

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