

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE BROOK MINE APPLICATION)	
)	DOCKET 17-4802
)	17-4803 and 17-4804
TFN 6 2-025)	

ORDER OF CONSOLIDATION AND SCHEDULE

On the 10th Day of March, 2017 the parties appeared for a scheduling conference by teleconference in the Board of Equalization Board Room, 1st Floor West Herschler Building, 122 West 25th St. Cheyenne WY. Present were the petitioners, Big Horn Coal represented by Lynn Boomgaarden, Powder River Basin Resource Council represented by Shannon Anderson and Mary Brezik-Fisher and David Fisher represented by Jay Gilbertz. The respondent Wyoming Department of Environmental Quality was represented by Andrew Kuhlmann and the Third Party Respondent, Brook Mine LLC, was represented by Isaac Sutphin and Jeff Pope. Also present were Jim Ruby and Joe Girardin Council Staff and Ryan Schellaus Council AG representative.

All parties consented to consolidation of Docket 17-4802, 17-4803 and 17-4804. THEREFORE the cases are all consolidated under the Docket number 17-4802 and all filings shall be made in that docket.

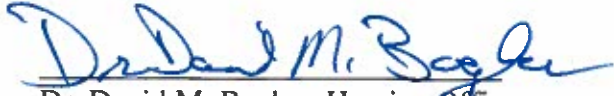
The following schedule is set for this matter:

1. Deadline for all discovery requests is April 7, 2017 with responses to be filed by April 21, 2017.
2. Deadline for naming of expert witnesses, if any is March 17, 2017 with expert reports due by April 3, 2017.
3. All three of these cases are scheduled for hearing on March 22, 2017 on Motions to Dismiss. Any motions for summary judgment shall be filed no later than May 1st, 2017 with responses filed by May 8th 2017. A telephonic hearing on the motions will be held on May 15, 2017. The exact time and location for the hearing will be set by the hearing officer once the motions have been filed.
4. Deadline for the identification of all exhibits and witnesses to be used or called at the time of final hearing and for submitting prehearing memoranda is May 17th, 2017. Exhibits shall be filed with each party and with the Council no later than 12:00 noon on

May 17th, 2017. Exhibits filed with the Council should be done online with at least one paper copy brought to the final hearing to be included in the record by the court reporter. When entering exhibits make sure to check the "Final Exhibit" not the "Pleading Exhibit" box. Contact Joe Girardin regarding any questions on using the online system. His number is 777-7170 and his email is joe.girardin@wyo.gov

5. The final hearing will begin May 22, 2017 at 3:00 p.m. in Sheridan Wy. The exact location will be transmitted to the parties no later than May 1st 2017.
6. The order of presentation is tentatively scheduled as follows. Opening statements and possibly one or more Department of Environmental Quality witnesses the afternoon of May 22, 2017 beginning at 3:00 p.m. On May 23, 2017 the Department of Environmental Quality will present the rest of their evidence and if time permits Brook will begin the presentation of their evidence. On May 24th, 2017 Brook will conclude their presentation and Big Horn Coal will present their evidence. If time permits, Powder River Basin Resource Council will begin their presentation of evidence. On May 25, 2017 Powder River Basin Resource Council will conclude the presentation of their case and if time permits the Fishers will begin to present their case. On May 26, 2017 if time is needed the Fishers will finish their presentation and Brook will present any rebuttal evidence.
7. It is not anticipated that there will be any oral closing arguments, rather, the parties will be asked to prepare and file written closing arguments with the focus on findings of facts and conclusions of law. The case will remain open until such time as those pleadings are filed. The deadline for the filing of the pleading will be decided at the conclusion of the presentation of evidence on May 26, 2017.
8. Any discussions of settlement should be done in a timely fashion. If settlement can be achieved than the sooner the better for the Council. In the event the parties should settle the parties should notify the Council's staff as soon as possible and prepare a Joint Stipulation for Dismissal. That joint stipulation will be considered at the earliest meeting available for the Council.

ENTERED this 13th day of March, 2017.


Dr. David M. Bagley, Hearing Officer
Environmental Quality Council *ja*

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Cheyenne WY 82002

CERTIFICATE OF SERVICE

I, James Ruby, certify that at Cheyenne, Wyoming, on the 13th day of March, 2017, I served a copy of the foregoing **Order of Consolidation and Schedule** by electronic mail addressed to the following:

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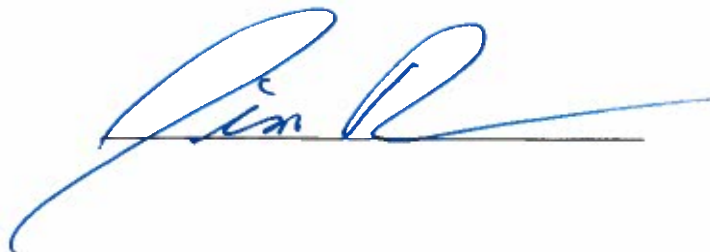
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