



statutes and regulations are performance based standards. *See* Wyo. Stat. Ann. § 35-11-402(a)(xii) (citing performance based standards); Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 4, § 1 (setting forth “performance standards applicable to all coal mining operations.”) Even after DEQ grants a permit, many steps remain before Brook can extract coal from the ground. As a result, the Act limits what a company must do to receive a permit to mine coal.

The Act requires that a permit applicant prove it has complied with the Act and all applicable state laws. Wyo. Stat. Ann. § 35-11-406(n). The applicant must show that the application is “accurate and complete, “the reclamation plan can accomplish reclamation as required by this act,” “the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area,” and that the area proposed to be mined is not designated as unsuitable for surface coal mining. *Id.* at (n)(i)-(iv). The permit applicant must also show that its operations would:

(A) Not interrupt, discontinue, or preclude farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands as to which the administrator finds that if the farming that will be interrupted, discontinued or precluded is of such small acreage as to be of negligible impact on the farm's agricultural production; or

(B) Not materially damage the quantity or quality of water in surface or underground water systems that supply these alluvial valley floors. Paragraph (n)(v) of this section shall not affect those surface coal mining operations which in the year preceding August 3, 1977, produced coal in commercial quantities, and were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the administrator to conduct surface coal mining operations within said alluvial valley floors. If coal deposits are precluded from being mined by this paragraph, the administrator shall certify to the secretary of the interior that the coal owner or lessee may be eligible for participation in a coal

exchange program pursuant to section 510(b)(5) of P.L. 95-87 [30 U.S.C. § 1260(b)(5) ].

*Id.* at (n)(v). If the applicant intends to mine in an area around “prime farmland,” it must show that it can restore that area “to equivalent or higher levels of yield as nonmined prime farmland in the surrounding area under equivalent levels of management and can meet the soil reconstruction standards of this act and the regulations promulgated pursuant thereto.” *Id.* at (n)(vi). Finally, the applicant must show that it has not violated any laws for any other surface coal mines it operates. *Id.* at (n)(vii).

Here, Brook has proven to DEQ that its permit application meets all of these requirements as demonstrated by DEQ deeming the application technically adequate and suitable for publication. As a result, the Council should evaluate only whether any objector has shown that Brook has failed to carry its burden of proof on specific issues in their objections. It is neither appropriate nor within the Council’s authority to re-evaluate every item in Brook’s permit application. The Council should also weigh against any objections that DEQ spent three years evaluating the technical adequacy of Brook’s permit application.

## **II. The Relevant Analysis**

The case requires the Council to compare two sets of documents: 1) Brook’s Application for Permit to Mine Coal; and 2) Wyoming statutes and regulations. DEQ has already conducted this comparison for over three years and concluded that Brook met all requirements set forth in the applicable statutes and regulations. To assist the Council in its findings, the table below summarizes the applicable statutes and regulations and how Brook’s permit application met them.

<b>Statute/Regulation</b>	<b>Permit</b>
<p>Wyo. Stat. § 35-11-406(a)(i), (ii), (iii), (vi)(B), (vi)(C), (vi)(D), (x)(xi): permit is in writing and submitted to the administrator stating name and address for all responsible for operations; applicant has the right and power to mine from the land; sworn statement that reclamation bond has not been forfeited and statements made in the application are true and correct; name of the lands; approximate acreage; nearest town/city; minerals to be mined; and estimated dates of commencement/termination of proposed permit</p>	<p>Adjudication File – Brook submitted its permit application pursuant to Wyoming statutes. The rights of Ramaco to access the surface and extract its minerals are guaranteed by the deeds provided in the Adjudication File. See pages Adjudication S.W.C.-1 thru 7, Adjudication Ram-1 thru 8 and Adjudication B.H.C.-1 thru 3. The deeds give Ramaco the right to access surface for the purpose of its coal operations. Specific list of lands covered under these surface rights can be found at Adjudication B.H.C.-1 thru 2. Adjudication Exhibit 1 shows surface ownership and rights, the Permit Area, the half-mile buffer to the Permit Area and structures within the half-mile buffer</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 4(a)(xv); Ch. 3 § 2(b); and Ch. 12 § 1(a)(i): presence/absence of an alluvial valley floor within permit area; demonstrate presence of alluvial valley floors within permit area and affected areas affected by proposed mining operation; and Administrator shall make a determination in writing as to the existence and extent of an alluvial valley floor within permit area. Said determination shall be included in the permit application and available for public notice</p>	<p>Appendix D11 – Alluvial Valley Floors. Alluvial monitor wells have been placed and determinations of prior AVF’s were used by Brook. Adjudication Exhibit 1 shows surface ownership and rights in the Permit Area, the half-mile buffer to the Permit Area and structures within the half-mile buffer. Section D11.1 describes the streams that were evaluated and their subsequent AVF declarations by WDEQ. Memo dated January 7, 2016 for the AVF determination of any AVF along Slater Creek within the permit and half-mile buffer. WDEQ, LQD made previous determinations of AVF’s along the Tongue River, Goose Creek and Hidden water creek in association with the Big Horn Coal permit to mine application, these determinations were included in the Brook Mine permit to mine application</p>
<p>Wyo. Stat. § 35-11-406(b)(xvii) and 35-11-415(b)(xi): blasting plan shall outline procedures and standards that surface coal mine operator will meet; explosives are used only in accordance with state and federal law</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal,</p>	<p>MP.14 – Blasting Plan and Schedule –Specific blasting schedule will be republished and redistributed at least every 12 months. This schedule will be published in the local newspaper between 30 and 60 days prior to any blasting operation in which more than 5 pounds of explosives is to be detonated. A copy will also be sent to each residence within one-half mile of the</p>

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Ch. 6, § 3(a): at least 30 days but not more than 60 days before beginning blasting program, blasting schedule shall be published in a newspaper of general circulation and by mail to each residence or owner within one-half mile of the blasting sites. Residents/owners within one-half mile shall be notified of the manner for requesting a preblasting survey	blasting area. Additionally, on the request of a resident or owner of a man-made dwelling or structure that is located within one-half mile of any part of the area covered under the term of the permit, the applicant or permittee shall conduct a preblasting survey. See also Addendum MP-7 for blasting plan and supplemental materials
Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 15, § 5 and Ch. 4, § 2(d)(x): The Administrator may recommend release 60% of the bond when the operator completes backfilling, regrading, topsoil replacement, recontouring and drainage control; after vegetation whose species composition is commensurate with that of the seed mix; and revegetation performance standards	Bond Release – Exhibit RP.5-2 depicts the schedule of topsoil replacement and RP.14 contains an excerpt from the Reclamation Plan
Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 6 (b)(ii)(C): where permanent water impoundments are proposed, contour maps and cross-sections showing slope conditions around the impoundment and anticipated high/low postmining water level	Final Hydrologic Restoration – Brook will construct post-mine impoundments with landowner’s consent as well as compliance with WDEQ/LQD bond release criteria and Wyoming State Engineer’s approval
Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 4 (a)(x): operator shall submit a description of the presence of substances or any other factor that will influence mining/reclamation activities; topsoil/subsoil information, including soil survey of affected lands	Table D5.3-2 – Geology and Overburden Assessment describes the moisture content of the coal and is an intrinsic property of the coal. This should not be confused with the saturation of the coal aquifer which would depict water occupying the fractures with the coal as depicted. See Addendum D5-5 for description of overburden, roof and floor samples
Wyo. Stat. § 35-11-406(a)(vii): description of land shall include vegetative cover, annual rainfall, winds, wildlife, surface waters, adjudicated water rights  Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal,	Appendix D2 and D3 – History. Addendum D3-1 of the mine permit application contains the Cultural Resources Memorandum for Cultural Resources Policy dated October 2, 2012, stating that WDEQ, LQD will no longer require cultural or paleontological surveys to be conducted or included in mine

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<p>Ch. 2, § 4(a)(i), (ii): description of affected lands within permit area, major past and present uses of permit area and adjacent lands; capability of land prior to mining to support uses, giving consideration to soil and foundation characteristics, topography, vegetative history and land’s history of previous mining</p>	<p>permit applications for lands where the surface and mineral ownership are held privately</p>
<p>Wyo. Stat. § 35-11-406(a)(vii): description of land shall include vegetative cover, annual rainfall, winds, wildlife, surface waters, adjudicated water rights</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 4(a)(i), (ii): description of affected lands within permit area, major past and present uses of permit area and adjacent lands; capability of land prior to mining to support uses, giving consideration to soil and foundation characteristics, topography, vegetative history and land’s history of previous mining</p>	<p>Appendix D1 – Land Use. To prevent adverse impacts to water, air, fish and wildlife. MP.6 discusses surface water and groundwater. MP.6.3 provides the plan to mitigate impacts to surface water and groundwater. Surface water will be monitored according to MP.7.1. Brook will mitigate impacts to groundwater according to MP.6.3.2. Brook will monitor groundwater according to MP.7.2. Brook has committed to the air quality protection plan at MP.16.3 and the air quality permit previously submitted. MP.18 outlines Brook’s plan to minimize adverse impacts on fish and wildlife, see Wildlife Monitoring Plan at Addendum MP-8. A raptor and migratory birds of high federal interest mitigation plan is in place at Addendum MP-9</p>
<p>Wyo. Stat. § 35-11-406(b)(xvi), (xvii): source, quantity, quality of water to be used in mining operations; plan to minimize disturbances to prevailing hydrologic balance and quality and quantity of water in surface and ground water systems, both during and after mining operations and during reclamation activities</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(ix), (x), (xi): plan and timetable for control and treatment of surface water and groundwater; probable hydrologic consequences (PHC); and an evaluation of impact of proposed mining activities that may result in contamination, diminution or interruption of quality/quantity of groundwater or surface water</p>	<p>MP.5.8 – Mine pit dewatering. Any water rights affected by Brook Mine’s dewatering process, will be replaced with a water source of similar quantity and quality. MP.5 discusses multiple ways that surface water and groundwater will be controlled to prevent pollution and negative impacts to surface waters. Exhibit MP.5-1 shows the hydrologic control plan, MP.7-1 discusses the operational surface water monitoring program</p>



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<p>Wyo. Stat. § 35-11-406(b)(v), (xvii): 1 or more maps of reclamation and mining on appropriate scale showing location/extent of proposed affected lands, public highways, dwelling, surface draining area and all utility and other easements; a blasting plan outlining procedures and standards</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(i), § 6(a): complete operations plan proposed to be conducted during life of mine; reclamation plan shall include schedule for each major step which coordinates with operator’s reclamation plan with the mining plan</p>	<p>MP.4.6 – Mining Methods Schedules and Assessments. Sampling procedures will be performed at the Brook Mine to ensure plant growth media does not come in contact with overburden materials that exhibit toxic-forming or acid potential characteristics. Sampling data will include at least one drill hole every 40 acres and the data will be included in Brook Mine’s annual reports. Before Brook stockpiles topsoil, it will ensure at least a 4-foot separation from unsuitable materials.</p> <p>Table 4.9-2 of Mine Plan Addendum MP-3 reports pit inflows by year. The year of pit inflow can be attributed to specific pits. As stated in MP.8, water use at the Brook Mine is anticipated to be less than a typical mine in the Powder River Basin.</p> <p>Table MP.8-1 provides the estimated quantity of water to be used by specific use. Table MP.8-1 also provides a summary of the quantity of water to be obtained from each water source</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(i): complete operations plan proposed to be conducted during life of mine</p>	<p>MP.1.2.1 – Mining Operations. The Permit to Mine provides typical and safe operation procedures of a highwall mine. The coal will be temporarily stored in the pit or directly hauled off site. The coal will be loaded into trucks. Mine Plan Section MP.22 discusses dual permitted areas. Table MP.1-2 shows annual coal production. Tables MP.1-3 and MP.1-4 list equipment utilized on the mine site</p>
<p>Wyo. Stat. § 35-11-406(b)(xvi): source, quantity, quality of water to be used in mining operations</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 2(a)(v)(A)(I)(1), § 5(a)(ix), § 6(b)(v): a list identifying MSHA identification number for all mine facilities that require MSHA approval and licenses, permits obtained from State Engineer, water quality information, detailed plan with maps and cross-sections, for</p>	<p>MP.7.1 – Operational Monitoring Program. Brook commits to monitor surface water. Should Big Horn No. 2 Reservoir and Big Horn No. 14 Reservoir be disturbed at the same time, the commitments of Section MP.7.1 ensure that the Brook will monitor surface water downstream of operations regardless. MP-48 states, “Existing gage sites operated by the USGS will be used to monitor surface water upstream of the planned mine facilities in Section 15 T 57N, R84W, as well as downstream of the</p>

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<p>construction/operation of mine capable of causing or contributing to pollution of surface or groundwater; plan to ensure protection of quantity/quality/rights to surface water and groundwater within and adjacent to permit area; descriptions/maps/cross-sections of surface water diversion systems</p>	<p>mine facilities on the Tongue River.” The locations of existing alluvial monitor wells and the locations of proposed alluvial monitor wells are shown on Exhibit MP.7-1. The locations of monitor wells have been strategically placed at locations up gradient and down gradient of portions of the operation. The purpose of up gradient and down gradient wells is to monitor alluvial conditions upstream as baseline conditions and to monitor alluvial conditions downstream of operations to observe and compare any differences</p>
<p>Wyo. Stat. § 35-11-406(b)(i), (ii), (vii): application shall include mine/reclamation plan, disturbance/change of lands to be affected, proposed future use, present/proposed use of land, surface gradient plans suitable for proposed use after reclamation is complete and method of accomplishment; contour map on same scale as reclamation map showing proposed approximate contours of affected area after completion of reclamation</p>	<p>RP.2 – Post Mining Land Use. Brook’s post-mining land uses include grazing land, industrial purposes and recreational land and developed water resources. Supporting pillars from highwall mining will be left in the ground to prevent subsidence, Addendum MP-6</p>
<p>Wyo. Stat. § 35-11-406(b)(xviii): plan to minimize disturbances to prevailing hydrologic balance at minesite and associated offsite areas to quality/quantity of water in surface and groundwater systems, during and after mining operation and during reclamation activities</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(ix), (x): plan to ensure protection of quantity and quality of, and rights to, surface water and groundwater within and adjacent to permit area; probably hydrologic consequences determination. PHC shall be based on baseline hydrologic, geologic and other information collected from permit application and may include data statistically representative of site</p>	<p>MP.6 – Probable Hydrologic Impacts. Mitigation measures will include sediment control structures and ditches to collect surface runoff and alternative sediment control measures. Surface water monitoring program (MP.7.1) will provide the effect mining operations have on surface waters.</p> <p>Appropriate discharge permits will be obtained prior to water discharge. Groundwater wells will be replaced pursuant to Wyo. Stat. § 35-11-406(b)(xii)</p> <p>Addendum MP-6 – Subsidence Control Plan. Subsidence calculations were made based on information currently known. If subsidence is discovered in relation to Brook Mine activities, RAMACO commits to remediation of the subsidence</p>
<p>Wyoming Administrative Rules Department of</p>	<p>MP.19 – Protection of Historical and</p>



<b>Statute/Regulation</b>	<b>Permit</b>
<p>Environmental Quality Land Quality – Coal, Ch. 12, § 1(a)(ix)(c): Division shall update information upon verification of additional information submitted or discovered during permit review</p>	<p>Archaeological Resources. Brook is committed to protecting historic and archaeological resources within the permit boundary. LQD no longer requires cultural or paleontological surveys to be conducted or included in mine permit applications for lands where the surface and mineral ownership are held privately</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(ii): narrative and map of permit area identifying location of existing structures, use and maintenance and plan for removal, if required</p>	<p>MP.6 – Protection of Other Resources, Structures and Surfaces. Surface water will be monitored according to MP.7.1 to determine the effects the mine has on surface water. Brook will utilize sediment impoundments and alternative sediment control measures. Brook will monitor groundwater. Dust will be controlled with watering and/or dust suppressants. Baghouses will be employed in the facility area where coal is transferred or crushed. Brook’s air quality permit application demonstrates the use of best available control technology on all emission sources and National Ambient Air Quality Standards will be maintained during operation. Public access to Brook Mine will be limited to the main access route to ensure public safety</p>
<p>Wyo. Stat. §§ 35-11-410(c), 35-11-417(c)(ii): upon receipt of annual report, administrator shall conduct an inspection of the site operation, inspection shall be part of permittee’s annual report</p> <p>WDEQ/LQD Guideline Number 12</p>	<p>RP.16 – Reclamation Costs. Reclamation cost estimates will be included in the Annual Report and will be adjusted manually. The current bond is made for only the first year of disturbance. The reclamation bond will be revised annually as disturbance changes. As mining disturbance increases, so will the bond amount.</p>
<p>Wyo. Stat. § 35-11-406(b)(v): 1 or more maps of reclamation and mining on appropriate scale showing location/extent of proposed affected lands, public highways, dwelling, surface draining area and all utility and other easements</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 4(a)(xvi), Ch. 4, § 2(i), (iii), (iv): description of lands affected within permit area, how lands will be affected during the</p>	<p>MP.3.1.1 – Road, Railroads and Other Transport Systems. Public roads are maintained with public funds and substantially used by the public. Interstate 90 will be protected from blasting pursuant to the Blasting Plan. Interstate 90 will be protected from fugitive dust pursuant to the Air Quality Protection Plan. There are currently no planned railways associated with Brook Mine</p>

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course of mining operation with location of manmade features including roads, railroads, public/private rights-of-way/easements	
<p>Wyo. Stat. § 35-11-406(a)(vii): description of land shall include vegetative cover, annual rainfall, winds, wildlife, surface waters, adjudicated water rights</p> <p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 4(a)(xi)(A): list and describe name/location for present surface water in and adjacent to proposed permit area</p>	<p>Appendix D6 – Surface Water Hydrology. Monitoring stations were set on Slater Creek and Hidden Water Creek when said creeks enter and leave the proposed permit boundary, for upstream and downstream locations. No water quality data for Hidden Water Creek because the stream was dry during baseline monitoring activities. Baseline water quality data for Tongue River and Goose Creek were obtained from USGS gaging stations</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 6(b): reclamation plan shall include time schedule for each major step, coordinate reclamation plan with mining plan to facilitate reclamation at earliest possible time</p>	<p>RP.5-1 – Topsoil Replacement. The final year of topsoil replacement will be year 16 of the Brook Mine life-of-mine</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(ix), (x), (xi): plan to ensure protection of quantity/quality of and rights to surface water and ground water within and adjacent to permit area; probable hydrologic consequences determination (PHC), PHC determination based on baseline hydrologic, geologic information; and evaluation of impact of proposed mining activities that may result in contamination, diminution or interruption of quality/quantity of groundwater or surface water within and adjacent to permit area</p>	<p>Table MP.8-1 – Water Use. This table estimates the quantity of water to be used by specific use and also provides a summary of the quantity of water to be obtained from each water source</p>
<p>Wyoming Administrative Rules Department of Environmental Quality Land Quality – Coal, Ch. 2, § 5(a)(viii), Ch. 4, § 2(r)(i): plan to minimize impacts to fish, wildlife and related environmental values within and adjacent to permit area; use best technology to minimize disturbance and adverse impacts on fish, wildlife and related environmental values</p>	<p>Exhibit MP.16-1 – Wildlife Monitoring. No sage grouse leks were located within the Permit Area or within one mile of the Permit Area. If leks become established within one mile of the Permit Area, they will be checked three times from April through early May. In subsequent years, they will be monitored annually on three mornings</p>

### **III. The Council should not consider irrelevant issues.**

The Council has the duty to review the permit application, DEQ's review of the permit application, and the relevant law to decide if Brook met the legal requirements for a permit to mine coal. The Council need do nothing more, despite the objecting parties request to do so.

The Objectors plan to attack Brook's permit application on grounds irrelevant under the Act. For example, Objectors have designated experts to attack Brook's permit application as it pertains to potential issues relating to hydrology, geology, subsidence and safety that could occur years into mining. But the permit application process does not ask Brook to predict every possibility that may occur during mining. Instead, the application process requires Brook to meet minimum standards to begin mining, which includes planning for certain issues that may arise during mining. If Brook met those standards, the Council must find that the DEQ Director should grant Brook a permit subject to DEQ oversight. That oversight means that should Brook cause environmental problems at any time in the future, Brook, DEQ, and the public can confront the problem then. The Council, however, does not need to tackle these issues or worry about a process for dealing with these issues at this time.

The Council should also beware of attempts to alter the burden of proof standard in this case. The Objectors have stated that Brook bears the burden of proof under the Act and must meet all of the requirements of the Act. The Council should hold the Objectors to the same standard, meaning that the Objectors must demonstrate an issue with Brook's permit application that the Act requires. The Council should not entertain objections unrelated to the requirements of the Act.

#### **IV. Witness List**

##### **A. Will Call**

Jeff Barron, P.E., WWC Engineering, 1849 Terra Avenue, Sheridan, Wyoming. Mr. Barron will testify regarding the entire permit application, including Brook's Mine and Reclamation plans, the development of Brook's Mine and Reclamation plans, and the communications with landowners about Brook's plan to mitigate any damage. Mr. Barron will testify about the history of mining in the Sheridan Coal Fields, the history of Brook's coal ownership. Mr. Barron will also testify about the authenticity of key documents in this case. Mr. Barron will also testify about the opinions contained in his expert report and Brook's expert disclosures. Finally, Mr. Barron may rebut claims made by any of the Objectors.

##### **B. May Call**

Kenneth Woodring, Ramaco Senior Operations Advisor of Ramaco Wyoming Coal Company, LLC, Georgia. Mr. Woodring may testify regarding the Mine Plan as well as the coal quantity and quality. Mr. Woodring may testify about Ramaco's commitment to working with landowners in the area to minimize the overall impact of the Brook Mine. Mr. Woodring may also testify regarding Brook's operations following permit approval. Mr. Woodring may rebut claims about the details of the Brook Mine and Reclamation Plans.

Niles Veal may testify regarding the Adjudication File; work performed on behalf of Brook and interactions he's had with the Objectors to this proceeding. Mr. Veal may also provide rebuttal testimony.

#### **V. Exhibit List**

The exhibits Brook intends to introduce at the hearing in the above-referenced matter are identified as follows:

<b>Exhibit No.</b>	<b>Exhibit Description</b>
Brook 1	2014/01/06 BJ Kristiansen email re. underground mine subsidence control plan
Brook 2	2017/04/11 BJ Kristiansen email re. TIPS class from 2015 (w/attachments)
Brook 3	Environmental Quality Act
Brook 4	DEQ/LQD Guideline 12 – Standardized Reclamation Performance Bond Format and Cost Calculation Methods
Brook 5 (a-i)	DEQ/LQD Current Rules and Regulations relating to Coal
Brook 6 (a-b)	DEQ Correspondence File (produced by DEQ, 1st and 2nd Supplement)
Brook 7	Round 1 Comment/Response
Brook 8	Round 2 Comment/Response
Brook 9	Round 3 Comment/Response
Brook 10 (a-d)	MSHA checklists for highwall miner ground control plan
Brook 11	Excerpt from Jill Morrison Deposition
Brook 12	2016-11-22 BJ Kristensen email to Shannon Anderson and Jill Morrison re. info still missing from Brook Mine permit (Morrison Dep. Ex. 9)
Brook 13	DEQ 12/14 and 12/2/16 AVS checks
	Rebuttal Exhibits
	Demonstrative Exhibits
	Impeachment Exhibits

Brook reserves the right to designate additional exhibits, necessary for impeachment or rebuttal. Brook also reserves the right to use any exhibits offered by any other party.

DATED: May 17, 2017.



Thomas L. Sansonetti (Wyo. State Bar # 43354)  
Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)  
Jeffrey S. Pope (Wyo. State Bar # 7-4859)  
HOLLAND & HART LLP  
2515 Warren Avenue, Suite 450  
P.O. Box 1347  
Cheyenne, WY 82003-1347  
Telephone: (307) 778-4200  
tlsansonetti@hollandhart.com  
insutphin@hollandhart.com  
jspope@hollandhart.com

ATTORNEYS FOR PERMIT APPLICANT  
BROOK MINING COMPANY, LLC

## CERTIFICATE OF SERVICE

I hereby certify that on May 17, 2017, I served a true and correct copy of the foregoing by email to the following:

Lynnette J. Boomgaarden  
Clayton H. Gregersen  
Crowley Fleck, PLLP  
237 Storey Boulevard, Suite 110  
Cheyenne, WY 82009  
lboomgaarden@crowleyfleck.com  
cgregersen@crowleyfleck.com

Attorneys for Big Horn Coal

Andrew Kuhlmann  
Assist. Attorney General  
andrew.kuhlmann@wyo.gov  
james.larock@wyo.gov  
Attorneys for DEQ

Alan Edwards  
Deputy Director, DEQ  
Alan.edwards@wyo.gov

David Bagley  
Jim Ruby  
Environmental Quality Council  
Jim.ruby@wyo.gov

Todd Parfitt  
Director, DEQ  
200 W. 17th Street  
Cheyenne, WY 82002  
Todd.Parfitt@wyo.gov

Shannon Anderson  
Powder River Basin Resource Council  
sanderson@powderriverbasin.org

Jay Gilbertz  
Attorney for Mary and David Brezik-Fisher  
jgilbertz@yonkeetoner.com



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