



Re: Attorney/Client deliberative communication; Brook Mine public comments

1 message

Alan Edwards <alan.edwards@wyo.gov>

Mon, Jan 30, 2017 at 8:40 AM

To: Todd Parfitt <todd.parfitt@wyo.gov>

Cc: BJ Kristiansen <bj.kristiansen@wyo.gov>, andrew kuhlmann <andrew.kuhlmann@wyo.gov>, Mark Rogaczewski <mark.rogaczewski@wyo.gov>, Kim Pandullo <kim.pandullo@wyo.gov>

Thanks for pulling this together BJ. When you get it finished it will be a great primer for the hearing.

The hearing is only two weeks away. We will need to make sure we are covering all of our bases in preparation for the hearing. Some items that come to mind are:

1. We will need to provide both electronic and written copies of the letters received to the EQC today. Jim Ruby said the electronic would be enough to load to the docket but hard copies would be a good back-up. Kim - I would appreciate if you would handle this. We would send the original letters received and a copy of all of Todd's response letters.
2. We committed to provide an electronic copy of the contact information, including phone numbers, to the EQC as well. BJ was pulling that together but I would like to have Kim get and be the gatekeeper for this list as well.
3. There are several questions raised about the surface and groundwater as well as individual wells. Do we need to involve either Matt or Muthu in our planning and do we need to have one or both of them join us for the hearing in case they need to be called?
4. It will be helpful to get together for a pre-hearing review and discussion on how the hearing will unfold. Could a conference call at the end of next week suffice or would we need to plan on meeting in Sheridan the Sunday afternoon before the hearing?
5. Andrew - we could car pool if that works for you.
6. Jim Ruby wanted to know who the LQD person he can contact regarding the hearing. I will find out what sort of information he will be looking for. Technical would be BJ but the rest may need to route through me for now.
7. We have made arrangements to get a pdf copy of the permit application to forward to EQC so they can upload it to their docket. What else do we need to be collecting for the docket or for our use?

Alan

On Sat, Jan 28, 2017 at 10:14 PM, Todd Parfitt <todd.parfitt@wyo.gov> wrote:

BJ. Thanks for your good work. We have done our job and now we follow the next step in the process allowed for and we'll have opportunity to demonstrate our work and also discuss and evaluate the comments provided.

On Jan 28, 2017 12:53 PM, "BJ Kristiansen" <bj.kristiansen@wyo.gov> wrote:

Gentlemen,

I have briefly reviewed the comments from all 20 of the commenters, 16 objectors and four positive responses from local government agencies. There are definitive issues that are multiply addressed, such as water, property values, road use, public access, blasting, dust, and others. They can be quantified into specific issues that appear fairly universal to most of the objectors. It appears that the objectors have been approached by unknown parties and encouraged to provide written objections that have common themes, guided by the unknown party. I personally know some of the objectors and their comments appear to have been coached. I may be wrong about that since common themes for issues surrounding a new mine are fairly universal and can be emphasized by more than one individual.

Andrew, the primary focus affecting LQD directly is the unspoken but obvious theme that we are incompetent and have no idea of how to properly examine application documents related to mining. Therefore, the application is not technically adequate and must be reexamined using the provided, "correct" information. My opinion, for what its worth, is that the objections are meant to slow the permitting process significantly to dishearten Ramaco and LQD and foster a sense of hopelessness that will stop the permitting efforts in its tracks. Or, force LQD to start over and reevaluate the project, adding months or years to the permitting process. The way that I approach this is that LQD followed 35-11-406 and other, pertinent rules and regulations, to determine that the permit application satisfied all

aspects of the law. This took three years, six rounds of input from examiners, the involvement of a minimum of 20 experts in ten agencies, and an action from the EQC to get us to this point.

The Brook Mine application now meets LQD legal requirements for technical completeness and adequacy. Our role has always been as an enforcement agency, tasked with stewardship of the land being mined and ensuring prompt mitigation from the impacts of the extraction of the resource. WDEQ oversees the operation throughout mine-life and **any** changes to the Mine and Reclamation Plan, at any time, require a reexamination of the permit to ensure that the changes are legal, enforceable, and that adequate bond is retained to fully reclaim the mined land. The coal mines are inspected monthly and bond assessment occurs annually or more frequently through the Annual Report and revision process.

Beginning Monday morning, I will categorize all of the comments into primary topics that occur frequently. Additionally, responses to the topics will also be categorized and drafted to assist us in pre-hearing issue identification and response. Let me know when you need information or assistance at any time and I will do my best to respond as promptly as I can, regardless of time of day.

-bj

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