

# Exhibit 2

**\*\*SIGNATURE  
REQUESTED\*\***

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

Civil Action Number: 17-4802

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IN RE BROOK MINE            )  
APPLICATION                )  
TEN6 2-025                    )  
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DEPOSITION OF JILL MORRISON

Taken on behalf of Brook Mine

12:25 p.m., Monday  
May 8th, 2017

PURSUANT TO AGREEMENT, the Deposition of  
JILL MORRISON was taken in accordance with the  
applicable Rules of Civil Procedure in the Jury  
Room of the Sheridan County Courthouse, 224 South  
Main Street, Sheridan, Wyoming, before Carol A.  
O'Bryan, Certified Court Reporter, and a Notary  
Public in and for the State of Wyoming.

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A P P E A R A N C E S

(Continued)

ALSO PRESENT:       Carri Svec  
                  Jeff Barron  
                  Niles Veal  
                  Butch Jellis  
                  Mary Fisher  
                  Gillian Malone

I N D E X

P A G E

DEPOSITION OF JILL MORRISON:  
Examination by Mr. Pope..... 5

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A P P E A R A N C E S

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EXHIBIT INDEX

MARKED FOR  
IDENTIFICATION

P A G E

Deposition Exhibit 2.....35  
Comments filed by PRBRC,  
1/27/17 re: Brook Mine

Deposition Exhibit 9.....50  
E-mail chain, Tuesday, 11/22/16  
Copied to Jill Morrison

Deposition Exhibit 10.....55  
Suggested template for response  
by Powder River Basin Resource  
Council members regarding  
objections to Brook Mine's permit

Deposition Exhibit 11.....59  
E-mail from Jill Morrison,  
1/18/17, subject line, Publication  
on white collar crime and engineers  
- Orin Atkins.

Deposition Exhibit 12.....62  
E-mail from Morrison, 3/6/17  
sent various members of the PRBRC

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1 documents from the Environmental Quality Council  
2 hearing on that matter?

3 **A Some of them.**

4 **Q** Did you happen to notice in those  
5 documents that Big Horn Coal mentioned a rail  
6 maintenance facility that it intended to  
7 construct?

8 **A I don't remember seeing that.**

9 **Q** So with that example in mind, what other  
10 places in these comments did you help gather facts  
11 to support these comments?

12 **A The next section on impact of**  
13 **conservation easements and recreation areas.**  
14 **Yeah.**

15 **I mean, and every one of these issues,**  
16 **you know, I had some sort of fact-gathering in**  
17 **terms of reading and reviewing the permit, looking**  
18 **at the maps, discussing it with our members, our**  
19 **experts.**

20 **I would say, yes, I'm familiar with**  
21 **every single area and pulled information related**  
22 **to a lot of it.**

23 **Q** Given the facts that you gathered and  
24 your knowledge of these comments, will you be  
25 providing testimony to the Environmental Quality

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1 Council in support of these comments and  
2 objections?

3 **A I don't plan to. We haven't determined**  
4 **our final witness list, but we're relying**  
5 **primarily upon our expert witnesses and our fact**  
6 **witnesses with our landowners.**

7 **Q** That's what I'm driving at. What land  
8 owners helped you prepare or gather the facts in  
9 support of these comments?

10 **A Well, John Buyok, Anton Bocek. We've**  
11 **had conversations with Mary and David Fisher,**  
12 **Brook Collins, other members of ours that recreate**  
13 **in the area, numerous members of ours that**  
14 **recreate in the area.**

15 **Q** Besides landowners --

16 **A And then our experts Gerry Marino and**  
17 **Mike Wireman.**

18 **Q** Fair enough. Besides the landowners you  
19 just identified, who else that's employed by the  
20 Council, so not a member, an employee, helped  
21 gather facts that support the comments in  
22 Exhibit 2?

23 **A Well, my colleague Shannon who is our**  
24 **attorney.**

25 **Q** To your knowledge, does Ms. Anderson --

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1 did Ms. Anderson gather any facts that appear in  
2 these comments or support these comments that are  
3 known only to her?

4 **A The legal facts as a lawyer.**

5 **Q** Anything besides this?

6 **A I don't think so.**

7 **Q** If you would look back to Page Number 2,  
8 Ms. Morrison, the top of Page 2, there's a Number  
9 1 that says, General objections for the mine plan.  
10 Do you see that?

11 **A Uh-huh.**

12 **Q** Under this section it's a discussion of  
13 alleged varying estimates in the annual production  
14 from the Brook Mine; is that a fair  
15 characterization?

16 **A Yes.**

17 **Q** To your knowledge, does the Brook Mine  
18 Permit Application list an estimate of annual coal  
19 production?

20 **A What is listed in these comments is**  
21 **Table MP-1-2. That looks like estimated annual**  
22 **production.**

23 **Q** Do you know if that came from Brook  
24 Mine's permit application?

25 **A I believe it did.**

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1 **Q** Now, you go on in here to -- the  
2 comments go on to discuss that there have been  
3 differing estimates The Press. And I see there's  
4 a hyper link to an article, and I'm looking at  
5 Page 3. I'm sorry, Ms. Morrison.

6 Are you aware of any changes that Brook  
7 has made to its permit application in regard to  
8 estimated annual production?

9 **A Well, I think as a question we have.**  
10 **We've heard many different variations of what the**  
11 **production is going to be.**

12 **And there's a few different places that**  
13 **have been mentioned or listed, and so there's**  
14 **conflicting information.**

15 **Q** My question, Ms. Morrison, is focused on  
16 the permit application.

17 Are you aware of any changes that Brook  
18 has made to the estimated annual production that  
19 is listed in its permit application?

20 **A That's listed in the permit application,**  
21 **I don't think so.**

22 **Q** All right. Would you turn with me to  
23 Page Number 4 in Exhibit 2, please.

24 **A (Witness complies.)**

25 **Q** I'd like to talk to you about the bold

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1 MR. POPE: We can go off the record  
2 now. Thank you.  
3

4  
5 (Whereupon Deposition Proceedings  
6 were concluded at 3:07 p.m. on  
7 Monday, May 8, 2017.)  
8

9 (SIGNATURE REQUESTED.)  
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1 DEPONENT'S CERTIFICATE  
2  
3 I, JILL MORRISON, do hereby certify that  
4 I have read the foregoing transcript of my  
5 testimony consisting of 69 pages taken on Monday,  
6 May 8th, 2017, and that the same is a full, true  
7 and correct record of my deposition.  
8

9 \_\_\_\_\_  
10 JILL MORRISON  
11

12 ( ) No changes ( ) Changes attached  
13

14 Subscribed and sworn to before me this,  
15 \_\_\_\_ day of \_\_\_\_\_, 2017.  
16

17 \_\_\_\_\_  
18 Notary Public  
19

20 My Commission Expires:  
21 \_\_\_\_\_  
22  
23  
24  
25

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1 REPORTER'S CERTIFICATE  
2  
3 I, CAROL A. O'BRYAN, a Certified Court  
4 Reporter and a Notary Public of the State of  
5 Wyoming, do hereby certify that JILL MORRISON was  
6 by me first duly sworn to testify to the truth,  
7 the whole truth, and nothing but the truth;  
8

9 That the foregoing transcript, consisting  
10 of 69 typewritten pages, is a true record of the  
11 testimony given by the said deponent, together  
12 with all other proceedings herein contained.  
13

14 IN WITNESS WHEREOF, I have hereunto set  
15 my hand and affixed my Notarial Seal this 10th day  
16 of May, 2017.  
17

18 \_\_\_\_\_  
19 Carol A. O'Bryan  
20 Certified Court Reporter  
21

22 My Commission Expires:  
23 October 13th, 2020  
24  
25

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1 SIGNATURE PAGE  
2 I, JILL MORRISON, the aforementioned  
3 witness, have read my deposition transcript; and  
4 have made the following corrections:

5 REASONS -1- Clarify the Record  
FOR CHANGES: -2- Conform to Facts  
-3- Correct transcription error

6	Use 1, 2, 3		
7	Correction	As Reason for	
8	Page Line	(Change from)	(Change to) Change
9	_____	_____	_____
10	_____	_____	_____
11	_____	_____	_____
12	_____	_____	_____
13	_____	_____	_____
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15	_____	_____	_____
16	_____	_____	_____

17  
18 \_\_\_\_\_  
19 JILL MORRISON  
20 SUBSCRIBED AND SWORN TO before me this \_\_\_\_  
21 day of \_\_\_\_\_, 2017 by \_\_\_\_\_.  
22

23 \_\_\_\_\_  
24 Notary Public  
25 My Commission Expires: \_\_\_\_\_

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