

# Exhibit 3

\*\*SIGNATURE REQUESTED\*\*

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

Civil Action Number: 17-4802

IN RE BROOK MINE APPLICATION  
TFN6 2-025

DEPOSITION OF GILLIAN MALONE

Taken on behalf of Brook Mine

3:28 p.m., Monday  
May 8th, 2017

PURSUANT TO AGREEMENT, the Deposition of GILLIAN MALONE 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  
Butch Jellis  
Mary Fisher  
Gillian Malone  
Jill Morrison

I N D E X

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A P P E A R A N C E S

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MARKED FOR IDENTIFICATION

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- 1 applies for a permit to mine coal, they have an  
 2 obligation to tell the Department of Environmental  
 3 Quality what they are going to do with the coal?  
 4 **A I don't know.**  
 5 **Q** Okay.  
 6 **A I don't know the statute -- how the**  
 7 **statute is on that.**  
 8 **Q** You say in your letter, One has to  
 9 wonder about the real motives underlying RAMACO'S  
 10 proposal. Why do you say that?  
 11 **A Because, again, they don't seem to be**  
 12 **able to make up their minds what they are going to**  
 13 **do; so it makes you wonder.**  
 14 **Q** Do you have an opinion about what  
 15 RAMACO'S real motives are?  
 16 **A I don't really know. I can't really**  
 17 **speculate. But I believe we started this**  
 18 **conversation with you asking me why I objected to**  
 19 **this, and I said I don't like to see a project get**  
 20 **started and then possibly fail and leave citizens**  
 21 **and landowners holding the bag for the cleanup.**  
 22 **Q** And what I'm asking you now is  
 23 consistent with the paragraph we're looking at in  
 24 your letter, why do you feel that Brook is likely  
 25 to fail or walk away?

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- 1 Blasting Intensity and Timing; do you see that?  
 2 **A Uh-huh.**  
 3 **Q** That's a yes?  
 4 **A Yes, I do.**  
 5 **Q** Thank you. It says halfway through  
 6 there and -- well, first of, all did you have any  
 7 part in drafting the Resource Council's objection  
 8 letter?  
 9 **A No, I didn't.**  
 10 **Q** Okay. But have you read it before?  
 11 **A I've read it.**  
 12 **Q** As a member of the board were you  
 13 required to approve the form of the objection  
 14 letter before it was finalized and submitted to  
 15 DEQ?  
 16 **A I don't remember if we actually approved**  
 17 **the letter itself. I know we approved the**  
 18 **decision to object.**  
 19 **Q** Do you have any personal knowledge about  
 20 the historic blasting that has been done in the  
 21 area around the proposed Brook Mine location?  
 22 **A Do you mean with Big Horn Coal?**  
 23 **Q** I mean are you familiar with historic  
 24 blasting that anyone has done in the area?  
 25 **A No, I'm not.**

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- 1 **A Because he's not come forward. Most**  
 2 **people that want to have a project succeed are**  
 3 **willing to step up and talk to the people that**  
 4 **it's going to impact, at least talk to them.**  
 5 **Q** And I know we've covered this. Is it  
 6 your opinion that RAMACO and Brook and Mr. Atkins  
 7 have not been willing to communicate with the  
 8 landowners?  
 9 **A Well, I know that they haven't**  
 10 **communicated with the landowners. I don't know**  
 11 **what that means. It would seem to suggest that**  
 12 **they don't want to communicate with them.**  
 13 **Q** Are you okay to keep going, Ms. Malone?  
 14 **A Sure.**  
 15 **Q** Okay. Thank you.  
 16 Where -- you have a copy of the Powder  
 17 River Basin Resource Council objection letter?  
 18 **A Uh-huh. The one that Jill brought.**  
 19 **Q** Thank you. For the record, we've marked  
 20 that already in a deposition as Deposition Exhibit  
 21 Number 2.  
 22 Can you look at Page 5 of Exhibit Number  
 23 2, please.  
 24 **A (Witness complies.)**  
 25 **Q** There's a section there entitled,

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- 1 **Q** So do you have any information about  
 2 how much blasting was done historically?  
 3 **A No, I don't.**  
 4 **Q** And I think we've already established  
 5 that you don't have any knowledge about what Brook  
 6 is proposing to do for blasting, right?  
 7 **A Right.**  
 8 **Q** Okay. So is it fair to say that your  
 9 concerns over blasting are just basically you  
 10 don't like blasting?  
 11 **A No, I don't think that's --**  
 12 **Q** How would you characterize your  
 13 objection to Brook's blasting in this proposed  
 14 location?  
 15 **A I believe the proximity to homes,**  
 16 **buildings, ranch structures, a historic church**  
 17 **made out of stone -- where one of our members**  
 18 **lives -- are the concerns that I have about**  
 19 **blasting.**  
 20 **Q** Do you know how close to those homes,  
 21 structures, old stone church, Brook is proposing  
 22 to blast?  
 23 **A I don't. But I -- I'm guessing that**  
 24 **it's within the area where they had to inform the**  
 25 **residents of the -- you know, the mine proposal.**

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REPORTER'S CERTIFICATE

I, CAROL A. O'BRYAN, a Certified Court Reporter and a Notary Public of the State of Wyoming, do hereby certify that GILLIAN MALONE was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That the foregoing transcript, consisting of 88 typewritten pages, is a true record of the testimony given by the said deponent, together with all other proceedings herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal this 13th day of May, 2017.

Carol A. O'Bryan
Certified Court Reporter

My Commission Expires:
October 13th, 2020

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SIGNATURE PAGE

I, GILLIAN MALONE, the aforementioned witness, have read my deposition transcript; and have made the following corrections:

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

Use 1, 2, 3
Correction As Reason for
Page Line (Change from) (Change to) Change

Table with 5 columns: Page, Line, (Change from), (Change to), Change. Contains multiple rows of dashed lines for corrections.

GILLIAN MALONE

SUBSCRIBED AND SWORN TO before me this \_\_\_ day of \_\_\_\_\_, 2017 by \_\_\_\_\_.

Notary Public

My Commission Expires: \_\_\_\_\_
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DEPONENT'S CERTIFICATE

I, GILLIAN MALONE, do hereby certify that I have read the foregoing transcript of my testimony consisting of 88 pages taken on Monday, May 8th, 2017, and that the same is a full, true and correct record of my deposition.

GILLIAN MALONE

( ) No changes ( ) Changes attached

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

Notary Public

My Commission Expires: \_\_\_\_\_

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GILLIAN MALONE
Via email
Big Horn, WY

Date: 5/12/17

Re: Application of Brook Mine

Dear Gillian,

I am enclosing the original of the transcript of your deposition in the above-entitled matter for your convenience in reading and signing your deposition.

I would appreciate if you could read your depo and return the original deposition with the signature pages attached to Holland & Hart, who took your deposition, within the next 10 days so the original may be prepared for delivery and use in the hearing mid-August in this matter. Please return the original deposition in the addressed envelope enclosed for your convenience.

The necessary pages -- which are marked with tabs so you can easily find where to sign -- are at the back of your deposition. Please do not mark on the face of the deposition, but use the attached forms, if necessary, to make corrections.

Please remember that you must sign before a Notary Public, so please indicate the corrections as you read but do not sign until you are before the notary.

Very truly yours,

Carol A. O'Bryan
Certified Court Reporter

Enc.
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