

Exhibit 4

****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 ANTON BOCEK

Taken on behalf of Brook Mine

3:36 p.m., Tuesday
May 9th, 2017

PURSUANT TO AGREEMENT, the Deposition of ANTON BOCEK 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
Mary Fisher

I N D E X

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DEPOSITION OF ANTON BOCEK:
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EXHIBIT INDEX

MARKED FOR
IDENTIFICATION

PAGE

Deposition Exhibit 25.....31
Anton Bocek's objection letter
to the Department of Environmental
Quality, 1/17/17

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A P P E A R A N C E S

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P R O C E E D I N G S

ANTON BOCEK,

having been first duly sworn to tell the
truth, testified as follows:

EXAMINATION

QUESTIONS BY MR. POPE:

Q Good afternoon, Mr. Bocek. My name is
Jeff Pope. We met just a moment ago. I'm a
lawyer with Holland & Hart. I'm here representing
Brook Mine.

This is my opportunity to sit down with
you and ask you some questions and learn more
about your involvement in this case and some of
the documents that we've seen you on.

Before we get started -- and I'm sure
for the folks that have been here the last couple
of days, this will be old hat.

But I want to talk about a couple of
ground rules to make our lives easier for the next
hour or two.

First and foremost, my job is to ask you

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1 anyone at the Department of Environmental Quality?
 2 **A No.**
 3 **Q** Mr. Bocek, I'm going to give you what's
 4 already been marked as Deposition Exhibit
 5 Number 2, a copy of the Powder River Basin
 6 Resource Council's objection letter. Have you
 7 seen this letter before?
 8 **A I have.**
 9 **Q** When did you see this letter?
 10 **A I believe about a week ago.**
 11 **Q** Did you review the contents of the
 12 letter?
 13 **A I have not yet.**
 14 **Q** Did you help prepare this letter in any
 15 way?
 16 **A I did not.**
 17 **Q** Did you help gather information that was
 18 used as part of this letter?
 19 **A I haven't read it, so I don't know.**
 20 **Q** And I know the answer to this question
 21 but I have to ask it, anyway. Do you have any
 22 opinion on the objections that are raised in
 23 Exhibit Number 2?
 24 **A No opinion.**
 25 **Q** Mr. Bocek, we've been informed by
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1 Ms. Anderson that you will testify at the hearing
 2 in front of The Environmental Quality Council. Is
 3 that also your understanding?
 4 **A I was asked if I needed to be.**
 5 **Q** Did you agree to testify?
 6 **A I did.**
 7 **Q** And do you know what you will testify
 8 about?
 9 **A I don't.**
 10 **Q** Did you ask what the Council would like
 11 you to testify about?
 12 **A No.**
 13 **Q** Why didn't you ask what they wanted you
 14 to testify about?
 15 **A I didn't have a reason to ask. If I was**
 16 **asked to be there, I'd be there.**
 17 **Q** I'm going to hand you another exhibit
 18 that's already been marked. This is Deposition
 19 Exhibit Number 21. It is a news article by Andrew
 20 Graham entitled, *Critics; Agency punts on mine*
 21 *permit. Cuts public out.* Do you see that at the
 22 top of the page?
 23 **A Yes.**
 24 **Q** If you would flip to Page 2 there's a
 25 picture there. Is that a picture of you there,
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1 Mr. Bocek?
 2 **A It is.**
 3 **Q** Just wanted to make sure.
 4 If you go to the final page --
 5 **A Which final? The final one I have is**
 6 **blank.**
 7 **Q** It appears I have a different copy.
 8 In the bottom right-hand corner it
 9 should say 7/15, the page I'm looking at.
 10 **A Okay.**
 11 **Q** Do you see a picture of two fisherman?
 12 **A Yes.**
 13 **Q** All right. I'm curious about the very
 14 last paragraph here where it says, "I'm worried
 15 the Council isn't going to understand its real
 16 role here, Anderson said, so we're just going to
 17 have to do our best to help them understand their
 18 role and why that matters."
 19 We'll represent to you, Mr. Bocek, that
 20 the Council referred to here is the Environmental
 21 Quantity Council which, as we just discussed, you
 22 will testify in front of.
 23 Do you have any reason to believe The
 24 Environmental Quality Council isn't going to
 25 understand its real role in this case?
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1 **A I don't have an opinion on that.**
 2 **Q** Do you have an opinion on what the
 3 proper role of The Environmental Quality Council
 4 is in this case?
 5 MS. ANDERSON: Objection to the extent
 6 that that calls for any kind of legal opinion.
 7 **Q** (By Mr. Pope) I just want to know your
 8 opinion, Mr. Bocek.
 9 **A I don't have one.**
 10 **Q** Mr. Bocek, I did forget to ask you
 11 something about your objection letter. Do you
 12 have Exhibit 25 still with you?
 13 **A Yes.**
 14 **Q** At the very end of Page 2 you request an
 15 informal conference with the DEQ director. Do you
 16 see that?
 17 **A Yes.**
 18 **Q** And we all know you did not receive that
 19 informal conference. Do you have any opinions on
 20 why the DEQ director did not grant you an informal
 21 conference?
 22 **A I don't.**
 23 **Q** Do you have any reason to think or do
 24 you ever an opinion that Brook somehow caused the
 25 DEQ director not to grant you an informal
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SIGNATURE PAGE

I, ANTON BOCEK, 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 4 columns: Page, Line, (Change from), (Change to), Change. Rows 9-16 are empty.

ANTON BOCEK

SUBSCRIBED AND SWORN TO before me this ___ day of ___, 2017 by _____.

Notary Public

My Commission Expires: _____

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CAROL A. O'BRYAN, CCR
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ANTON BOCEK
C/O Shannon Anderson
PRBRC via e-mail
Sheridan, WY 82801
Date: 5/12/17

Re: Application of Brook Mine

Dear Anton,

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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