



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*

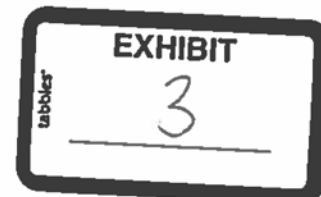


Matthew H. Mead, Governor

Todd Parfitt, Direct

October 23, 2018

Powder River Basin Resource Council  
 Attention: Ms. Shannon Anderson, Staff Attorney  
 934 North Main St.  
 Sheridan, WY 82801




Dear Ms. Anderson,

I have seen your October 18, 2018 email in reply to the October 12, 2018 response to the Powder River Basin Resource Council's (PRBRC) request for an informal conference related to the renewal of permit PT0214 held by Contura Coal West, LLC. Without conceding that the PRBRC is entitled to an informal conference for renewal applications, I am exercising my discretion and declining your request for an informal conference.

The purpose of an informal conference is to facilitate a mutually beneficial solution when there is common ground on which such a solution can be built and thus avoid time-consuming and costly litigation. After reviewing PRBRC's objections, however, it is clear that there is no mutually beneficial solution that could be achieved through an informal conference. The status of the appraisal under the Wyoming Public Records Act is an either/or proposition not subject to compromise. Moreover, the issue is outside the Environmental Quality Council's jurisdiction and must be resolved, if at all, by a court of competent jurisdiction. Similarly, the accuracy of the appraisal is not subject to compromise based on the limited information PRBRC has provided. As outlined in Administrator Wendtland's letter, the Department relied on the opinion of a certified Wyoming professional appraiser. PRBRC has not offered a contrary appraisal prepared by a certified professional in support of its objection in its October 4, 2018 letter or its October 18, 2018 email correspondence. Instead, the PRBRC, with no evident education, training, experience, or professional certification in real property valuation simply offers the speculative assertion that the property at issue has not been properly valued. This unsupported supposition is insufficient to warrant an informal conference.

As a result of this decision, Administrator Wendtland signed the renewal permit on October 23, 2018. We would also like to reiterate that it appears that the bulk and substance of PRBRC's concerns relate to the permit transfer, as opposed to the renewal. The public comment period for that transfer application began on October 9, 2018, and we look forward to PRBRC's comments. We believe this would be a more appropriate time to address PRBRC's concerns, which seem to focus on the transfer from Contura to BlackJewel.

  
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Todd Parfitt, DEQ Director

  
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Kyle Wendtland, LQD Administrator

Date: 10/23/18

cc: Todd Parfitt, Director  
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