

James Kaste, WSB #6-3244  
Deputy Attorney General  
Wyoming Attorney General's Office  
2320 Capitol Avenue  
Cheyenne, WY 82002  
(307) 777-6946  
james.kaste@wyo.gov

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

IN THE MATTER OF PERMIT RENEWAL )	OAH DOCKET NO. 19-004-220
APPLICATION OF CONTURA COAL )	C103
WEST, LLC.: PT0214; )	EQC DOCKET NO. 18-4803
AND IN THE MATTER OF THE )	EQC DOCKET NO. 18-4805
APPLICATIONS FOR COAL MINE )	
PERMIT TRANSERS OF BLACKJEWEL, )	
LLC.: PT0214 & PT0428. )	

---

**DEPARTMENT OF ENVIRONMENTAL QUALITY'S  
DESIGNATION OF WITNESSES**

---

The State of Wyoming, Department of Environmental Quality, pursuant to the Hearing Examiner's March 5, 2019, *Amended Order Setting Prehearing Conference, and Setting Hearing* hereby designates the following witnesses to testify at the hearing of this matter and offers the following summary of their testimony:

The Department will call the following witness:

1. Mr. Kyle Wendtland, Administrator, Land Quality Division, Wyoming Department of Environmental Quality, 200 W. 17th St., Suite 10, Cheyenne, Wyoming 82002.

Mr. Wendtland is the Administrator of the Land Quality Division of the Department of Environmental Quality. Mr. Wendtland will testify about his education, training and experience, his duties as the Administrator, his review of the three applications at issue in

these proceedings, and the decisions he made with regard to these applications. He will testify generally about the procedures the Department employs when reviewing and approving renewal and transfer applications. He will testify about the requirements of the Environmental Quality Act and the applicable rules for renewal and transfer applications. He will testify about his knowledge, observations, and opinions regarding the three applications and the Department's review and processing of those applications.

In particular, he will testify based upon his education, training, and experience and his review of the three applications, that each application is complete and technically sufficient, that each application was properly processed by the Department, that permit renewal is a successive right, and that each application complies with the Environmental Quality Act and all applicable federal and state laws. He will testify about the mortgage the Department holds on the real property offered as collateral, including that the mortgage was properly recorded in Campbell County so as to be first in time and constitute notice to prospective purchasers. He will testify that he approved the appraiser proposed by the applicant, that the appraisal in place was sufficient to transfer the permit at issue, and he will explain how he accounted for the reasonable expense associated with selling the property. He will explain how the Applicant Violator System works, that checks on these applicants were made at appropriate times, and that the applicants had no outstanding violations which would preclude renewal or transfer when the final decision on each application was made. He will explain that there is no basis for the Director or the Council to deny a permit transfer to Blackjewel, LLC, under Wyoming Statute § 35-11-406(o). Ultimately, he will testify that the objections raised in these proceedings have no merit,

that the Council should affirm his decision to renew Contura Coal West, Inc.'s, permit for the Belle Ayr Mine, and grant the permit transfers requested by Blackjewel, LLC, for the Eagle Butte and Belle Ayr Mines.

Mr. Wendtland may also rebut any opinions or evidence offered by any other party.

The Department reserves the right to call any of the witnesses identified by any other party, or any additional witnesses necessary for foundation, impeachment, or rebuttal.

DATED this 15th day of April, 2015.



---

James Kaste, WSB#6-3244  
Deputy Attorney General  
Wyoming Attorney General's Office  
2320 Capitol Avenue  
Cheyenne, WY 82002  
(307) 777-6946  
[James.kaste@wyo.gov](mailto:James.kaste@wyo.gov)

## CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing upon the persons below via e-mail and by depositing the same in the United States mail, first-class postage prepaid, this 15th day of April 2018, addressed as follows:

Bernard Haggerty  
Hearing Examiner  
Office of Administrative Hearings  
2020 Carey Avenue, Fifth Floor  
Cheyenne, WY 82002  
bern.haggerty@wyo.gov

Shannon Anderson  
Powder River Basin Resource Council  
934 N. Main St.  
Sheridan, WY 82801  
sanderson@powderriverbasin.org

S. Thomas Throne  
Throne Law Office  
P.O. Box 6590  
Sheridan, WY 82801  
tthorne@thronelaw.com

Jason Wasserburger  
Throne Law Office  
P.O. Box 828  
Cheyenne, WY 82003  
JWasserburger@thronelaw.com

Jeffrey Pope  
Holland and Hart, LLP  
2515 Warren Ave., Suite 450  
Cheyenne, WY 82001  
jspope@hollandhart.com



---

Cheryl Lobb, Paralegal  
Wyoming Attorney General's Office