

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

IN THE MATTER OF THE) EQC DOCKET NO. 18-4805
APPLICATIONS FOR COAL MINE)
PERMIT TRANSFERS OF BLACKJEWEL,)
LLC.: PT0214 & PT0428.)

STIPULATED MOTION TO DISMISS

The parties hereby submit the following stipulated motion to lift the previously entered stay and dismiss these proceedings as moot. In support of this motion, the parties stipulate as follows:

1. Contura Coal West, LLC., and Blackjewel, LLC., filed applications for permit transfers of the permits for the Belle Ayr and Eagle Butte surface coal mines on August 30, 2018. The Powder River Basin Resource Council (PRBRC) filed Amended Objections and a Petition for Hearing on those transfer applications on February 21, 2019. The Council held a contested case hearing on PRBRC's objections on May 15 and 16, 2019.

2. After the contested case hearing, but before the Council could render a decision in this matter, Blackjewel filed a voluntary petition for relief under Chapter 11 of the bankruptcy code in the Southern District of West Virginia on July 1, 2019. In response, and with the consent of all parties to these proceedings, the Council stayed this matter on July 10, 2019.

3. On October 18, 2019, Blackjewel sold the Belle Ayr and Eagle Butte Mines to Eagle Specialty Materials, LLC.

4. On October 22, 2019, Blackjewel notified the Department of Environmental Quality, Land Quality Division (DEQ), that it was withdrawing the permit transfer applications. DEQ acknowledged and accepted Blackjewel's withdrawal of the permit transfer applications on October 24, 2019.

5. The Powder River Basin Resource Council's Amended Objections and Petition for Hearing have been rendered moot by the withdrawal of the permit transfer applications at issue in these proceedings and, therefore, these proceedings should be dismissed with prejudice.

WHEREFORE the parties request that the Council lift the stay entered on July 10, 2019, and dismiss this matter with prejudice on the grounds that the matter is now moot. A proposed order has been submitted for the Council's convenience.

DATED this 28th day of October, 2019.



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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 28th day of October 2019, addressed as follows:

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ORDER OF DISMISSAL WITH PREJUDICE

This matter having come before the Council upon the parties' Stipulated Motion to Dismiss, and the Council having reviewed the Motion, and being otherwise fully advised in the premises:

IT IS HEREBY ORDERED THAT: the stay entered on July 10, 2019, is lifted.

IT IS FURTHER ORDERED THAT: the Powder River Basin Resource Council's Amended Objections and Petition for Hearing have been rendered moot by the withdrawal of the permit transfer applications at issue in these proceedings and, therefore, this matter is dismissed with prejudice. Each party shall bear its own costs and attorney fees.

DATED this ____ day of November, 2019.

Presiding Officer