

EXHIBIT A

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In re Brook Mining Co., LLC coal mine
permit – PT0841

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EQC Docket No. 20-4802

DECLARATION OF GILLIAN MALONE

I, Gillian Malone, declare as follows:

1. I am a member of the Powder River Basin Resource Council, or as we familiarly call it Powder River. I became a member in 1973. I'm actually the youngest founding member of Powder River. I happened to be working for a founding member at the time, Sally Forbes, who had Beckton Stock Farm, and I was supposed to be indexing Red Angus cows, but instead I was clipping newspaper articles about strip mining and doing assorted jobs associated with getting this organization going. So I've been involved for pretty much the whole time on and off. I've been off occasionally, going away to school, or whatever. But whenever I've been in Wyoming, I've been involved with Powder River.
2. I have served on the board more than once, and currently do serve on the board now. I believe I was on the board back in the '80s for a term. I was board chair three years ago, I believe, for a couple years, and I was on the staff for a time.
3. I also serve on a bunch of committees. I help organize fundraisers, like our Harvest Celebration. In spite of what has been said about us by Brook, Powder River depends heavily

on local funding support for its work and I'm proud to contribute money to the organization each year and to encourage others to do the same.

4. I do all of this volunteer work for Powder River, and I contribute my own funds, because I strongly believe in the mission of the organization. Powder River is committed to the conservation of our unique land, mineral, water and clean air resources, consistent with the responsible use of those resources to sustain present and future populations, generations. That is really important to me, and it has been important to me since 1973. And also we work to educate and empower our citizens in the state of Wyoming to raise a coherent voice in decisions that will impact their environment and lifestyle. As a member of the organization, I know we are stronger together, and I have always appreciated everything the staff of Powder River does to let us know what is going on and how we can get involved by writing comments, testifying at the legislature, and so on. Some organizations don't involve their members the way Powder River does, and it makes the organization something I really care about to see all of our people so active and engaged in the issues they care about.
5. One of those issues is the Brook Mine. I have learned a lot from my fellow members, the landowners of the Tongue River Valley, and I hope they have learned something from me and the organization. Our work to address the mine has always been about an exchange of ideas and to bring the best information and technical expertise we could. We're not anti-coal as an organization, and we have no preset agenda when it comes to Powder River's work. But, we will insure that our laws and regulations are followed as without them industry will not be developing in a responsible manner.

6. In the case of the Brook Mine, we started looking for information and it seemed as though the harder we looked for information, the less information there was or the information was changing. It was hard to determine what this mine was going to be, how much coal they were going to mine, what they were going to use the coal for. And those information gaps remain today. So it's been kind of a moving target and we've encountered quite a few difficulties with this situation, and we feel that it's more than ever important that we're involved for our landowners and for the community of Sheridan.
7. Frankly, we're kind of wondering why there's a coal mine now, when coal mines are closing. It just doesn't make a lot of sense to us, and so we're having to sleuth it out as best we can to try to find out what landowners and citizens of this county can expect.
8. One of the things Powder River did to do this sleuthing so to speak is we hired one of the best subsidence experts in the country, Dr. Jerry Marino. And we have relied on his research and his knowledge to determine that, yes, there are issues with this application, and that we need to delve into it a lot deeper, that the company needs to delve into these things a lot deeper and provide a lot more information before the permit should be granted.
9. I was disappointed in DEQ in that as opposed to doing what Dr. Marino said should be done before the permit should be issued, DEQ instead issued the permit and said the company could come back and fill in the gaps later on. That doesn't make a lot of sense to me, and it goes against what I know about permitting a coal mine based on my years of experience with Powder River.
10. I'm especially concerned that DEQ is cutting out the public notice and comment provisions when this new information comes in. As I mentioned above, part of Powder River's main

mission is to help people get involved in the decisions that impact their lives and one of the main ways we do that is through comments on permits. If DEQ takes away our ability to comment, that means the organization won't be able to fulfill its mission and people near the mine won't be able to raise their voice and provide information to the agency.

11. As a member of the public, this all really concerns me. But it's more than that. It's personal too. It's especially concerning because I get a lot of enjoyment from being out in the recreation areas on and near the permit area, and I should have the right to comment on what happens at the mine and whether the company has submitted the right information to do the analysis it needs to do to protect the land and wildlife habitat of the area.
12. As a citizen, I like to recreate. Hiking is my favorite thing. And I get out and walk my dog in walk-in areas around the county. I like to explore new areas. And a few years ago when John Buyok opened up the conservation easement area on his place, it was a great nice area to explore. I also like walking along the Tongue, visiting Kleenburn and the fishing ponds, and there are a bunch of little trails that go all over. One of those trails is on John Buyok's walk-in area that takes you back partly along the Tongue and then kind of branches out. And you can go way up on top of the hill where you can look one direction towards the mountains, beautiful view of the Bighorns, and then the other direction you look out towards, you know, Montana. And I assume that if there were to be a mine developed there, it would be pretty visible from that site as well. I also like one of the walk-in areas in the permit area because it has a south-facing slope so you can go up there in the winter when the sun is hitting those slopes and the snow gets blown off by the wind. It's a great place to get out all-year.

13. I also enjoy birding, and when I have visited the area in the past I have seen a pair of golden eagles and a juvenile, which was really fun. I've also seen a Spotted Towhee and a Western Tanager, all the birds that live in and migrate through Sheridan County.
14. It's a unique area, and I plan to keep going back so long as the mine doesn't prevent me from enjoying the area because of noise, pollution, or depleting the scenic beauty of the area. And unfortunately, some of the walk-in areas will become off limits during mining because of the dangers from blasting and just an active coal mine. I've been to a lot of mines in the Powder River Basin and they all have fences around the permit boundaries to keep the public out. That's a shame here because so much of the permit area has been widely used by members of the public like me.
15. As a member of the board of Powder River, I approved of the organization appealing the DEQ's permit approval to the EQC. I support Powder River's efforts to raise the legal issues we are raising and to ensure that the public has the best information about the mine, knows what the impacts will be, and has a role to comment and get involved going forward.
16. I especially support the organization's argument that the highwall mining areas shouldn't be permitted until the company has the right information in its subsidence control plan. If those areas aren't permitted that will help people like me continue to use the recreation areas that are above or close to those highwall mining areas.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief and that this declaration was executed in Sheridan County,

Wyoming on October 14, 2020.

Gillian Malone

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