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

**IN RE BROOK MINE APPLICATION )**  
**TFN 6 2-025 )**                    **DOCKET 17-4801**  
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**POWDER RIVER BASIN RESOURCE COUNCIL’S FIRST SET OF  
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS  
SERVED ON BROOK MINING CO., LLC**

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In accordance with the Presiding Officer’s Scheduling Order of February 2, 2017, and pursuant to Wyoming Rules of Civil Procedure 26, 33, 34, and the following definitions and instructions, Powder River Basin Resources Council (“Resource Council” or “PRBRC”) requests that Brook Mining Co., LLC or any agent, officer or employee of Brook who has relevant information answer fully and under oath the following Interrogatories and Requests for Production of Documents.

**DEFINITIONS**

1. “Brook” means the permit applicant Brook Mining Co., LLC and includes any employee, officer, agent, or expert of Brook.
  
2. “Communication(s)” means conversations, discussions, meetings, telephone calls, notes, letters, memoranda, reports, telecopies of facsimiles (faxes), electronic mail, voice mail, text messages, data or file transfer, pictures or photographs, and all other forms of oral, written or electronic expression by which information may be conveyed, including any mechanical or electronic sound recording or transcription thereof.

3. “Describe” means to specify in detail and to particularize the content of the answer to the question and not just to state the reply in summary or outline fashion, including all pertinent facts about the fact, event, or situation in question, including but not limited to:

(a) the time, date, and place;

(b) identification of all persons present or involved;

(c) identification of all oral or written communications made during the event or situation;

(d) a detailed description of all actions taken.

4. “Document(s)” is used in the broadest sense contemplated by W.R.C.P. 34. It means all records and other tangible forms of expression, including information in electronic, magnetic, or photographic form, in your possession, custody, or control, including drafts and any copies thereof that contain notes or otherwise differ from the original, however many, by whomever created, however prepared, circulated, sent, received, dated or used, produced or stores (manually, mechanically, electronically, or otherwise), including but not limited to books, papers, files, modeling files and data, notes, correspondence, memoranda, reports, writings, drawings, photographs, telegrams, facsimiles (faxes), telephone logs, contracts, agreements, calendars, datebooks, worksheets, summaries, magnetic tapes, data files, other data compilations from which information can be obtained, electronic mail, disks, diskettes, disk packs, and other electronic media, microfilm, microfiche, and storage devices. It includes all material that relates or refers in whole or in part to the subjects referred to in any Interrogatory and also includes the file jackets, and any labels thereon, in which responsive documents are contained. If any documents contain attachments or appendices, describe the attachments or appendices.

5. “Identify” means:

- (a) When applied to an individual person, state the full name, present or last known business address, position with the state or other employer, job description, and telephone number;
- (b) When applied to a document, state the title, date(s), author(s), signer(s), intended recipient(s), addressee(s), present location and custodian of the document, and current or last known address of the custodian of the document.
- (c) When applied to oral communication, identify the speaker(s) and the person(s) addressed, state the date, place and medium of the communication and describe completely the content of the communication.

6. “Including” means “including, but not limited to.”

7. “Regarding,” “Related to,” and “Concerning” means concerning, referring to, alluding to, responding to, relating to, connected with, commenting upon, in respect of, about, establishing, analyzing, criticizing, touching upon, constituting, supporting, refuting and/or being.

9. “DEQ” refers to the Wyoming Department of Environmental Quality or any agency, officer or employee of DEQ. This includes the Wyoming Division of Land Quality (“Land Division”) and any agent, officer or employee of any of the divisions.

10. “You” or “Your” means Brook or any agent, officer, or employee of Brook.

## **INSTRUCTIONS**

In responding to these Interrogatories and Requests for Production of Documents, please adhere to the following instructions:

1. Furnish all information that is available to you, known to you, or that can be known after reasonable inquiry, including information in the possession, custody, or control of

your attorneys, staff, agents, employees, officers, consultants, experts, or other representatives. In answering, you are required to make a reasonable inquiry to ascertain the information or knowledge necessary to respond in detail to such request. Answers must be specific and responsive.

2. If you do not or cannot answer any Interrogatory or Request for Production of Documents after exercising due diligence in attempting to secure the information, please state your answer to the extent possible and indicate your inability to answer the remainder. Include whatever information you may have concerning the unanswered portions and set forth in detail all efforts undertaken to ascertain the requested information.

3. If anything is deleted from a document produced in response to an Interrogatory or Request for Production, state the reason for the deletion, the subject matter of the deletion, and the name of the person or persons who decided to delete the information.

4. If any information in these Interrogatories or Requests for Production is withheld pursuant to an objection or claim of privilege, answer portions of the Interrogatory or Request for Production for which the privilege does not apply, identify the objection or privilege claimed, set forth a specific basis upon which the objection is raised or the privilege is claimed, and provide a privilege log and/or index of documents withheld that includes the following information: a statement identifying the nature of the information withheld, the date and subject matter of any communication containing that information, the names of all persons with knowledge of the information including the author, and the basis for withholding the information.

5. Answer all Interrogatories and Requests for Production under oath, and provide verification from appropriate representatives of Brook, to support these answers.

6. Provide answers to these Interrogatories and Requests for Production by February 10, 2017. If you cannot complete these answers within this time, provide immediate notice to the Resource Council's counsel so that an amicable resolution to the problem can be reached.

7. These Interrogatories and Requests for Production are to be deemed continuing in nature. Supplement all answers as required by W.R.C.P. 26(e).

### **INTERROGATORIES**

1. Identify and describe all persons employed by Brook Mining Co., LLC.

2. Identify and describe any advisors, consultants, or experts, if any, hired or used by Brook in preparing or reviewing your permit application. Please describe the qualifications of these individuals.

3. Identify and describe all subsidiary and/or parent companies/entities related to Brook.

4. Please describe any plans for blasting in the area, including proposed blasting timing and amounts.

5. Please describe any relationship Brook has with Cloud Peak Energy, including but not limited to agreements for surface use, ingress/egress, rights of way, etc.

6. Please disclose whether Brook has obtained surface owner access or orders in lieu of consent from all surface owners with the permit boundary, including the BNSF.

7. Please disclose whether Brook is aware of coal fires in the area at the present or in the past.

8. Please disclose whether Brook is aware of subsidence in the area at the present or in the past.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Provide a copy of all state and federal permits received by Brook for the proposed project.
2. Provide a copy of any permit applications to MSHA.
3. Provide a copy of the traffic control plan referenced in the permit application.
4. Provide a copy of any agreements with Cloud Peak Energy.
5. Please provide documents that demonstrate the amount of water saturation in the targeted coal seams and what the groundwater inflow rates are in relation to the proposed mine excavations.

Dated this 6th day of February, 2017.

/s/ Shannon Anderson

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## CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I served a copy of the foregoing **FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS SERVED ON BROOK MINING CO., LLC** on the following parties by electronic mail, and through the EQC's electronic filing system, which will send a notice of electronic filing to all counsel and parties of record.

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          /s/Shannon Anderson            
Shannon Anderson