

Thomas L. Sansonetti (Wyo. State Bar # 43354)
 Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)
 Jeffrey S. Pope (Wyo. State Bar # 7-4859)
 HOLLAND & HART LLP
 2515 Warren Avenue, Suite 450
 P.O. Box 1347
 Cheyenne, WY 82003-1347
 Telephone: (307) 778-4200
 tlsansonetti@hollandhart.com
 insutphin@hollandhart.com
 jspope@hollandhart.com

ATTORNEYS FOR PERMIT APPLICANT
 BROOK MINING COMPANY, LLC

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

IN RE BROOK MINE APPLICATION)
)
 TFN 6 2-025) Civil Action No. 17-4803

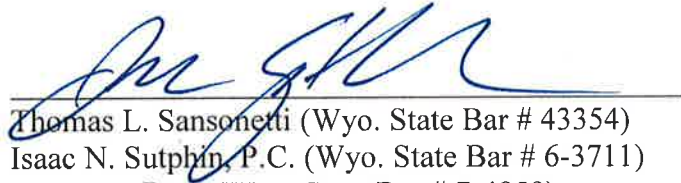
**BROOK MINE’S REQUEST FOR A CONSOLIDATED AND EXPEDITED SCHEDULING CONFERENCE
 ON MARY BREZIK-FISHER AND DAVID FISHER’S PETITION FOR CONTESTED CASE HEARING**

Pursuant to the Environmental Quality Act and specifically Wyo. Stat. Ann. § 35-11-406(k), Brook respectfully requests an expedited scheduling conference on the Fishers’ Petition for a contested case hearing. Section 406(k) mandates that the public hearing take place within twenty days of the public comment period’s conclusion. Likewise, it requires the Council to publish notice of the public hearing for two consecutive weeks in advance. Thus, it is imperative to schedule the hearing date as quickly as possible. To comply with the statutory provisions and the policy of requiring an expedited public hearing on all objections, Brook requests that the scheduling conference occur as soon as possible.

By making this request, Brook in no way waives or otherwise disposes of its underlying objections to Fishers’ Petition. Although it has not yet done so, Brook is contemplating filing a motion to dismiss the Petition as untimely and in violation of Section 406(k).

Brook acknowledges that Big Horn Coal Company and the Powder River Basin Resource Council have also filed petitions for contested case hearings relating to their permit application objections. Although this Council has not yet consolidated those petitions with the Fishers' Petition for a contested case, Brook requests that the scheduling conference include all objectors who have requested a contested case. Even before a formal decision on consolidation is reached, holding a consolidated scheduling conference will allow the parties and the Council to establish a schedule for a single hearing on an expedited basis.

DATED: February 28, 2017.



Thomas L. Sansonetti (Wyo. State Bar # 43354)
Isaac N. Sutphin, P.C. (Wyo. State Bar # 6-3711)
Jeffrey S. Pope (Wyo. State Bar # 7-4859)
HOLLAND & HART LLP
2515 Warren Avenue, Suite 450
P.O. Box 1347
Cheyenne, WY 82003-1347
Telephone: (307) 778-4200
tlsansonetti@hollandhart.com
insutphin@hollandhart.com
jspope@hollandhart.com

ATTORNEYS FOR PERMIT APPLICANT
BROOK MINING COMPANY, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2017, I served a true and correct copy of the foregoing by email to the following:

Lynnette J. Boomgaarden
Clayton H. Gregersen
Crowley Fleck, PLLP
237 Storey Boulevard, Suite 110
Cheyenne, WY 82009
lboomgaarden@crowleyfleck.com
cgregersen@crowleyfleck.com
Attorneys for Big Horn Coal

Todd Parfitt
Director, DEQ
200 W. 17th Street
Cheyenne, WY 82002
Todd.Parfitt@wyo.gov

Andrew Kuhlmann
Assist. Attorney General
andrew.kuhlmann@wyo.gov
james.larock@wyo.gov
Attorneys for DEQ

Shannon Anderson
Powder River Basin Resource Council
sanderson@powderriverbasin.org

Alan Edwards
Deputy Director, DEQ
Alan.edwards@wyo.gov

Jay Gilbertz
Attorney for Mary and David Brezik-Fisher
jgilbertz@yonkeetoner.com

Brook Collins
38 Monarch Road
Ranchester, WY 82839
bpcharlie@wbaccess.net

Mayor Peter Clark
Town of Ranchester
mayor@ranchesterwyoming.com

David Bagley
Jim Ruby
Environmental Quality Council
Jim.ruby@wyo.gov

