



subject to disclosure, comply with the Rules of Civil Procedure, including Rule 26(b)(5) by making that claim expressly and describing the nature of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable the undersigned to assess the applicability of the privilege or protection.

When the terms “writing”, “documents”, “tangible items”, or “electronically stored information” are used in these requests, these terms should be construed in the broadest sense and are intended to encompass all forms of information as contemplated and described by Wyoming Rule of Civil Procedure 34, including without limitation, all writings, documents, copies, reproductions, drawings, graphs, charts, photographs, sound recordings, visual recordings, images, and any other data or data compilations stored in any medium from which information can be obtained or translated (if necessary) by the respondent into reasonably usable form.

Supplementation of all responses is required in strict compliance with the Rules of Civil Procedure and for any answer that requests information relating to or seeking information on; (a) the identity and location of persons having knowledge of discoverable facts; (b) the identity, location, qualifications and opinions of experts expected to be called at trial; and (c) any answer to a request to which supplemental, new or amended information is obtained that changes, supplements, alters, supports or contradicts any prior response.

**Definitions:**

1. **“Brook Mine”** as used in this discovery shall mean Brook Mining Company, LLC.
2. **“Mine or Mining Permit”** as used in this discovery shall mean Brook Mine Application TFN 6 2-025 currently pending in Sheridan County, Wyoming.
3. **“DEQ”** as used in this discovery shall mean the Wyoming Department of Environmental Quality.
4. **“Fishers”** as used in this discovery shall mean Objectors Mary Brezik-Fisher and David Fisher.

**INTERROGATORIES**

**INTERROGATORY NO. 1:** Identify the basis for a determination by DEQ that

geotechnical studies demonstrate a scientific basis for the conclusion that the proposed Mine Plan for Brook Mine does not present a risk of subsidence, sloughing or other geotechnical risks and the specific and *mandatory* requirements of the Mine Plan which dictate how the operator is *obligated* to respond in the event geotechnical problems are encountered. Your answer should include the name, address, and telephone number of all individuals or companies which DEQ is aware of that conducted Geotechnical studies for the purpose of investigating the geotechnical conditions in the area where Brook Mine proposes to conduct mining activities, whether the DEQ has conducted its own studies and the DEQ's basis for relying on any studies submitted by Brook Mine.

**ANSWER:**

**INTERROGATORY NO. 2:** Identify the basis for a determination by DEQ that hydrologic studies and surface run-off studies demonstrate a scientific basis for the conclusion that the proposed Mine Plan for Brook Mine does not present a risk of degradation to surface and subsurface water quality and quantity or a risk of adverse effects to the cumulative hydrological balance and how the current Mine Plan sets forth specific and *mandatory* requirements which dictate how the operator is *obligated* to respond in the event of hydrological problems or water quality or quantity degradation are encountered. Your answer should include the name, address, and telephone number of all individuals or companies which DEQ is aware of that conducted hydrological or water studies for the purpose of investigating the hydrological and water conditions and risks posed by the mining

activities in the area where Brook Mine proposes to conduct mining activities, whether the DEQ has conducted its own studies and the DEQ's basis for relying on any studies submitted by Brook Mine.

**ANSWER:**

**INTERROGATORY NO. 3:** Identify the name of all DEQ personnel (in the Sheridan office, Cheyenne office, Lander office and elsewhere) involved in assessing and evaluating the Brook Mine Permit that is the subject of this contested case hearing. In relation to each person identified, describe which office the person works in, their job title, the particular aspect of evaluation or the tasks undertaken by that individual, and the nature of each individual's input in the permitting process.

**ANSWER:**

**INTERROGATORY NO. 4:** Identify the amount of the reclamation/performance bond which DEQ will require for the Brook Mine project, how the amount of the bond was calculated and what information was considered in determining the bond amount. Your answer should also include the identification of any information or sources relied upon in calculating or determining the amount of the reclamation bond.

**ANSWER:**

**INTERROGATORY NO. 5:** If reclamation costs exceed the figure you list in your answer to interrogatory no. 4 above, identify with specificity the individuals, companies,

state and local agencies, or any other entities who will be responsible for all additional costs and expenses associated with reclamation exceeding the amount of the established bond and what investigation DEQ has undertaken to confirm that any such entity is capable of satisfying any additional reclamation or remediation expenses pertaining to the mining operations of Brook Mining Company, LLC in Sheridan County.

**ANSWER:**

**INTERROGATORY NO. 6:** Identify with particularity the precise documents or information DEQ relied upon in determining that material damage to the hydrologic balance outside the proposed permit area for the Brook Mine would be prevented. If DEQ has not made this determination, please state that fact.

**ANSWER:**

**INTERROGATORY NO. 7:** Identify with particularity the precise documents or information DEQ relied upon in determining that both the quantity and quality of water in both the surface and underground water systems that supply the alluvial valley floor of the Tongue River Valley in the area of the Brook Mine would not be materially damaged by the mining and associated activities. If DEQ has not made these determinations, please state that fact.

**ANSWER:**

**INTERROGATORY NO. 8:** Identify all witnesses that you will call or may call at any contested case hearing in this matter. In relation to each witness, identify the witness by name, provide contact information, any company or organization which employs the witness and a summary of the material information which you believe this witness may have or testify to at any hearing.

**ANSWER:**

**INTERROGATORY NO. 9:** Identify each person whom you expect to call or utilize as an expert at the contested case hearing. In relation to each expert, **regardless of whether or not the expert is a “retained” expert**, identify the following:

1. His or her name, current address and area of expertise, and the name of any company, organization or entity with which the expert is employed or affiliated.
2. Specifically identify and give a comprehensive statement of all opinions the expert will offer at trial or any hearing, and give a detailed explanation of the basis and facts upon which the expert relies for his or her proffered opinion.
3. Identify all publications authored or co-authored by the expert within the last 10 years.
4. Identify all cases in which the expert has testified as an expert witness (by deposition or trial testimony) within the last 4 years. As to each case, identify the approximate date of the case, names of the parties and their lawyers and the court which exercised jurisdiction.
5. Identify all documents supplied to the expert by you and all other documents of any sort reviewed by the expert in relation to this case.

If experts have not yet been identified, fully supplement this response when such experts are identified or concurrently with expert disclosures as may be required by any case

management order or scheduling order.

**ANSWER:**

**INTERROGATORY NO. 10:** Identify whether the mine plan requires that domestic and stock wells which are impacted or damaged by mine operations will be repaired and/or replaced if the wells are “registered” with the Wyoming State Engineer’s Office as opposed to being “adjudicated”.

**ANSWER:**

**INTERROGATORY NO. 11:** Identify the locations of all monitoring stations on the Tongue River which are included in the mine plan and include in your answer whether monitoring stations are located upstream and downstream of the permit boundary and why DEQ considers the identified stations adequate to monitor for potential adverse impacts on the Tongue River by the Brook mining operation.

**ANSWER:**

**INTERROGATORY NO. 12:** What is DEQ’s current understanding of the annual and total coal production estimates presented by Brook Mine and/or Ramaco representatives in the first five years of production, and since those estimates appear to have changed over time, explain how DEQ has been able to accurately evaluate the potential impacts to air quality, water quality and resources, and land resources?

**ANSWER:**

**INTERROGATORY NO. 13:** How many surface coal mine applications and permits for new surface coal mines, including highwall mining, in the State of Wyoming have the DEQ offices in Wyoming and the DEQ offices in Sheridan County reviewed and evaluated within the last twenty years?

**ANSWER:**

**INTERROGATORY NO. 14:** Identify all seismographic studies, testing and field reports (AML or otherwise) which have been conducted and in which data has been collected in the vicinity of the proposed Brook Mine within the last three years. Include in your answer the identification of the individuals and companies involved in these studies.

**ANSWER:**

DATED this 7<sup>th</sup> day of April, 2017.

YONKEE & TONER, LLP

*/s/ Jay A. Gilbertz*  
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## CERTIFICATE OF SERVICE

I, Jay A. Gilbertz, hereby certify that on the 7<sup>th</sup> day of April, 2017, I served a true and correct copy of the above and foregoing *by electronic transmission*, duly addressed as follows:

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*/s/ Jay A. Gilbertz*

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