

From: [BJ Kristiansen](#)
To: [Jeff Barron, P.E.](#)
Cc: [Mark Rogaczewski](#); [Niles Veal](#)
Subject: Brook Mine AVF determination
Date: Monday, February 08, 2016 2:56:39 PM

Exhibit 36

Jeff,

I used the Surface Ownership map from the Brook Mine permit application adjudication figures (EX_ADJ_1_SURFACE) to determine the ownership status of acreages within 1/2 mile of the proposed Brook Mine boundary. These are the acreages under question for a potential AVF determination. The following list delineates the owners of record. Please double check the map to insure that I have not missed anyone. The ownerships generally begin on the east side of the map adjacent to the old Boy Scout Pits, which was the final area mapped for the Big Horn Coal Mine AVF study, then move westward, up Tongue River, as you view the map. The owners are:

Tongue River valley -

Sheridan County Recreation Board
John Barbula
Henry Elvin and Edythe May Vine
Padlock Ranch Company
Lori Thomas
Gladys Legerski, Gerald Dean Legerski
William Long, Trustee
Anton Bocek
Tony Bocek and Stella Bocek
John and Vanessa Buyok
Rodney McCloy
W David Fisher and Mary Brezik Fisher
James and Penny Preston
Taylor investments
John and Gaylene Johnson
P Sean Carroll and kellie Carroll
Stephanie Blevins and Clinton Krumm
Robin Smith
Helen Weaver
Jeffrey Ingram and Brandi Ingram
Laya Trusts
David Frank
Wendy Condrat
George and Francis Warner
Pacific Power and Light

State of Wyoming (Early creek)
Padlock Ranch Company (East Fork Early Creek)
John Bocek (Slater Creek)

These are the owners of record who would need to be contacted in order to perform a field investigation for an AVF determination outside the proposed permit boundary. This is one of the issues that have delayed the final AVF study. Mark Rogaczewski and I have examined the map and, because of the trespass law, we believe that AVF determination will be daunting, to say the least. I am, at present, attempting to determine a path forward to assess the AVF characteristics of the Tongue River, the East fork of Early Creek, and Early Creek, **if necessary**.

The Administrator may determine that adjacent AVF acreage does not need to be included in the permit since Brook Mine will not affect the AVF lands in any manner. Given that the mine is a highwall auger mine, that the pit areas are physically isolated from Tongue River by Interstate 90, and that no

drainages will be affected by surface disturbance, LQD could be petitioned to consider the AVF determination outside of the permit boundary a moot point. I have already performed my AVF study within the permit boundary and have determined that 13.11 acres on the extreme upper end of Slater Creek is an AVF. I need to map a 1/2 mile strip of Early Creek on Mr. John Bocek's property to finalize the AVF determination of Slater Creek. The remainder of the acreage adjacent to the mine permit boundary may not need to be examined, based on a decision from the LQD Administrator to forgo AVF determination.

Please call or write Mark or Myself if you have any questions.

-bj kristiansen

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