

Mrs. Fisher will testify about the Fishers' backgrounds, education and experience, as well as factual information concerning the Fisher property and adjacent lands including its history and how it is subject to the impacts of the proposed mining activities. In addition, she will testify as to their knowledge of all matters relating to the Brook Mine Permit, including their efforts at requesting and obtaining an informal meeting with DEQ, their discovery responses, and all matters concerning potential impacts to their property and adjoining landowners' property, livelihood, property values, and health and safety. Mrs. Fisher will also explain the concerns she has about the proposed mining activities and basis for those concerns. It is further expected that Mrs. Fisher will testify consistent with the deposition testimony she provided.

B. "May Call" Witnesses

Fishers may call the following individuals to testify at the contested case hearing in this matter:

2. **David Fisher** c/o Jay A. Gilbertz. Mr. Fisher is a party to this action and would testify to all the subject matters identified in the potential testimony of Mrs. Fisher set forth above.

3. **John Buyok, P.E.**
86 Monarch Rd.
Ranchester, WY 82839
(307) 673-0068

Mr. Buyok is a retired licensed engineer and he lives within ½ mile of the proposed mining operations. He has experience in reviewing mine and reclamation plans and currently provides services as a private engineering consultant. Mr. Buyok testified previously

regarding the Brook Mine Plan Application in Civil Action No. 16-1601 before the Environmental Quality Council and is expected to testify consistent with his previous testimony. He has reviewed the brook mine plan, reclamation plan, and other materials associated with the pending permit which is the subject of this litigation, and it is expected that he will testify concerning his knowledge and experience in reviewing mine plans, his opinions concerning deficiencies and incompleteness in the mine plan as it is currently proposed, inadequate bonding, and various other concerns as a potentially affected landowner. Mr. Buyok is further expected to testify consistent with his recent deposition which was demanded and taken by Brook Mine in the current pending action. The Fishers reserve the right to call/present Mr. Buyok through his transcribed deposition testimony.

4. Representatives of Wyoming Department Of Environmental Quality

Fishers may call one or more representatives/employees of WDEQ offices in the Sheridan, Cheyenne, and Lander offices concerning their evaluation of the mine plan at issue, including but not limited to, B.J. Kristiansen, Doug Emme, Matt Kunze, and Muthu Kuchanur, Ph.D.

5. Randall Atkins and other representatives, agents, consultants, landmen, engineers, or liasons of Brook Mining Co., LLC and/or Ramaco.

Fishers may call Mr. Atkins, Niles Veal and/or other representatives, agents, consultants, landmen, engineers or liasons of Brook Mining Co., LLC and/or Ramaco to testify concerning all aspects of the proposed Brook Mine, mine plan and reclamation plan, and including but not limited to, deficiencies and incompleteness, communications with landowners, media reports and articles, communications with government officials,

communications with WDEQ, conduct and action toward landowners and all other matters at issue to which they may have knowledge.

6. Brooke Collins: Ms. Collins is the owner/occupant and the restorer of a historic church constructed or faced with native stone and located near the proposed mine site. Ms. Collins is believed to be well-versed in the local history of activities and man-made structures in the vicinity of the proposed mine and may be called to provide her historical knowledge of the area, mine subsidence problems and knowledge of certain structures near the mine site, including the church which she restored and lives in.

7. Joan Tellez: Ms. Tellez is believed to be well-versed in the local history of activities and man-made structures in the vicinity of the proposed mine and may be called to provide her historical knowledge of the area, mine subsidence problems and knowledge of certain structures near the proposed mine site.

Fishers reserve the right to call any and all “will call” and “may call” witnesses listed by any other party, as well as any witness necessary for impeachment and/or rebuttal purposes and any witness necessary to lay foundation for exhibits. Fishers further reserve the right to supplement this list of witnesses prior to the contested case hearing in this matter.

II. EXHIBITS

Fishers may offer the documents and materials listed on *Exhibit A* attached hereto. In addition to the exhibits identified in *Exhibit A*, Fishers reserve the right to use, rely upon

and offer into evidence or the record any and all exhibits listed by any other party, and they reserve the right to make sub-exhibits (i.e. A-1, A-2) of particular or individual documents contained in multi-page exhibits. The Fishers also reserve the right to list all documents associated with any exhibit if such listing is necessary to establish the admissibility of any of the offered exhibits. In addition, the Fishers reserve the right to enlarge all or portions of certain exhibits for demonstrative purposes, or to present them by use of an electronic media system for ease of viewing by the Council. Fishers reserve the right to list or use rebuttal and impeachment exhibits and additional or supplemental exhibits as may be appropriate.

Fishers also reserve the right to list, use and offer any portion of the Brook Mine Plan which has already been made a part of the record in this matter. By "listing" or identifying any exhibit as a potential exhibit in the case, Fishers in no way waive any objections to these exhibits and reserve all potential objections.

DATED this 17th day of May, 2017.

YONKEE & TONER, LLP



Jay A. Gilbertz, WSB # 6-3087

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CERTIFICATE OF SERVICE

I, Jay A. Gilbertz, hereby certify that on the 17th day of May, 2017, I served a true and correct copy of the above and foregoing by *electronic transmission*, duly addressed as follows:

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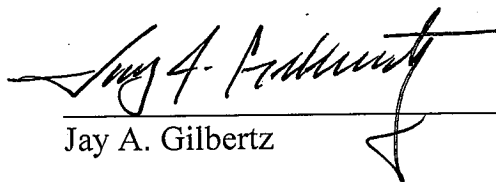
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Jay A. Gilbertz

FISHERS' CONTESTED CASE HEARING EXHIBITS

EXHIBIT A

- FISHER 1: Aerial Photo of portion of Tongue River Valley
- FISHER 2: Photos of Fishers' house and property
- 2-A: Old Photo of House
 - 2-B: Old Rock Barn Structure
 - 2-C: Initials carved on rock barn: L.S. July 26, '13
 - 2-D: Old Rock Building/Dwelling on Property
 - 2-E: Fisher house at time of purchase in 1996
 - 2-F: Phase 1 depiction of house remodel
 - 2-G: Current depiction of Fisher house
 - 2-H: Mature fruit trees and pine trees with new fence
 - 2-I: Landscape photo of Fisher property from frontage road
 - 2-J: Landscape photo of Fisher property from I-90
- FISHER 3: Photos of Boceks' property adjacent to Fishers
- 3-A: Bocek property view along frontage road
 - 3-B: Bocek property view along frontage road
- FISHER 4: Photo of Mine Subsidence in Sheridan County
- FISHER 5: Letter from Todd Parfitt dated 01/30/17 denying informal conference
- FISHER 6: Letter from Fishers to BKS Environmental Associates, Inc. dated 07/03/13
- FISHER 7: Email chain between BKS and Niles Veal (July, 2013) regarding trespass on Fisher property (*Brook 041660-041662*)
- FISHER 8: Article dated 12/15/14 entitled "Feds To Boost Mine Blasting Emissions Rules" (Cheyenne (AP))
- FISHER 9: Internet Blog posted on 02/04/14 entitled: "Photos: Hazardous Gas Clouds From Coal Mine Blasting In Southeastern Montana"
- FISHER 10: WyoFile Article by Bleizeffer dated 02/22/13: "There's \$428M in Unfunded Abandoned Mine Reclamation Work in Wyoming"

- FISHER 11: Sheridan Media Web Content Article dated 02/09/17 (*produced by Fishers in discovery*)
- FISHER 12: Gerlach-Map (C-1 Objection Exhibit C) from Expert Report
- FISHER 13: *Brannaman vs. Paxton Resources, LLC*.Judgment
- FISHER 14: *Sorenson vs. High Plains Gas, Inc., et al.*Judgment
- FISHER 15: Email from Deanna Hill to BJ Kristiansen dated 11/21/14 (*part of DEQ document production*)
- FISHER 16: Email from Kim Pandullo to Kyle Wendtland dated 08/12/15 (DEQ Emails pg. 6298)
- FISHER 17: Emails from/to Morrison and DEQ re meeting with landowners dated April, 2016 (DEQ Emails pg. 7756)
- FISHER 18: Emails between Page and Rogaczewski dated May 23-24, 2016 (DEQ Emails pgs. 8007-8008)
- FISHER 19: Email from Barron to Rogaczewski and Kristiansen dated 06/21/16 (DEQ Emails pg. 8123)
- FISHER 20: Email from Kristiansen to Barron dated 02/13/17 with attached Memorandum: Brook Mine AVF Determination, Slater Creek dated 01/07/16
- FISHER 21: DEQ Emails regarding mine subsidence plan dated 01/03/14
- FISHER 22: Email from B.J. Kristiansen to Tanya King re underground mine plan dated 01/02/14
- FISHER 23: Email from B.J. Kristiansen to Robin Jones re underground mine permits dated 01/02/14
- FISHER 24: Email from Matt Kunze to Shannon Anderson re CHIA for Brook Mine dated 03/20/15
- FISHER 25: Letter dated 02/24/16 from B.J. Kristiansen to Randall Atkins re AVF
- FISHER 26: Fishers' Objection Lt. dated 01/22/17 (already filed and part of record)