

(D) The proposed plan reclaims the surface to its approved future use, in segments if circumstances permit, as soon as feasibly possible;

According to the designation, such witnesses apparently plan to testify regarding BHB's mining operations on other properties, and arguably negative impacts on the land, air and water quality in locations other than within the Herco Amendment. Testimony relating to operations on other ranches has no relevancy to the elements at issue in this matter or operations on the TTT Ranch. Such activities are regulated and monitored by the DEQ, and the forum for such complaints, if any, is before the DEQ.

Perhaps more important, each of the designated witnesses have, along with Respondent James Crossingham, made demands for compensation and other concessions from Black Hills. Because each of the witnesses have sought to extract compensation and concessions from Black Hills, which demands have been denied, their testimony not only lacks credibility, but is extremely biased and should not be entertained. Such witnesses should not be permitted to take valuable hearing time to introduce biased and unreliable testimony that has no relevance to the issues before the Council.

WHEREFORE, Petitioner moves to strike testimony to be provided by such witnesses.

DATED this 16th day of February, 2018.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that he provided a copy of the foregoing by email to the following on the 16th day of February, 2018, addressed as follows:

Scott Klosterman
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159 North Wolcott, Suite 400
P.O. Box 10700
Casper, WY 82602-3902



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