

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

**IN RE BENTONITE PERFORMANCE ) DOCKET 18-1601  
MINERALS LLC )**

**BENTONITE PERFORMANCE MINERAL LLC'S RESPONSE TO REQUEST FOR  
PRODUCTION OF DOCUMENTS**

Bentonite Performance Minerals, LLC (BPM), by and through undersigned counsel, responds to 2U Ranch, LLC's (2U) Request for Production of Documents as follows:

**TERMS AND DEFINITIONS**

BPM incorporates and adopts the terms and definitions as provided in Exhibit A of the November 5, 2018 Notice of Deposition Duces Tecum of Mr. Ronald Ericsson.

**GENERAL OBJECTION TO REQUESTS FOR PRODUCTION**

Request for Production Nos. 2, 3, 4 and 5 request information beyond the scope of the proceeding as ordered by the Hearing Examiner in the August 21, 2018 Order of Schedule. Pursuant to the Order of Schedule, the scope of this proceeding is limited to the following four statutory elements: (1) that the Mining and Reclamation Plans have been submitted to the surface owner for approval; (2) that the Mining and Reclamation Plans are detailed as to illustrate the full proposed surface use, including proposed routes of ingress and egress; (3) that the use does not substantially prohibit the operations of the surface owner; and (4) that the Reclamation Plan reclaims the surface to its approved future use, in segments if circumstances permit, as soon as feasibly possible. Order of Schedule at 1. The Hearing Examiner has prohibited testimony on issues concerning (1) whether the application is technically correct; (2) whether the lease is valid; and (3) whether the permit should be issued. Order at Schedule at 2. BPM objects to Request for Production Nos. 2, 3, 4 and 5 to the degree that the requests seek information beyond the scope of the proceeding as ordered by the Hearing Examiner.

## REQUESTS FOR PRODUCTION OF DOCUMENTS

1. Mining plan and reclamation plan for the mining area which is the subject matter of this proceeding.

**RESPONSE:** The Mining and Reclamation Plans for the Proposed Mining Operations are attached.

2. Bond for payment to surface owner for damages to surface estate, forage, trees, roads, reservoirs, water well, and disruption to the surface owner operations.

**RESPONSE:** BPM objects to Request for Production No. 2 to the degree that it seeks information beyond the scope of the proceeding as ordered by the Hearing Examiner or confidential business information. Notwithstanding, BPM understands Request for Production No. 2 to request documentation of a surface damages bond for the Proposed Mining Operations. Surface damages bonding requirements are set by the Administrator of the Wyoming Department of Environmental Quality, Land Quality Division after the issuance of a surface mining permit as provided by Wyoming statutes and regulations. The Administrator of the Wyoming Department of Environmental Quality, Land Quality Division has not yet required BPM post a surface damages bond for the Proposed Mining Operations as the permit application is pending. As such, no surface damages bonding documents exist for the Proposed Mining Operations.

3. Reclamation bond for the cost of reclaiming the damage caused by mining.

**RESPONSE:** BPM objects to Request for Production No. 2 to the degree that it seeks information beyond the scope of the proceeding as ordered by the Hearing Examiner or confidential business information. Notwithstanding, BPM understands Request for Production No. 3 to request documentation of a reclamation bond for the Proposed Mining Operations. Reclamation bonding requirements are set by the Administrator of the Wyoming Department of

Environmental Quality, Land Quality Division after the issuance of a surface mining permit as provided by Wyoming statutes and regulations. The Administrator of the Wyoming Department of Environmental Quality, Land Quality Division has not yet required BPM post a reclamation bond for the Proposed Mining Operations as the permit application is pending. As such, no reclamation bonding documents exist for the Proposed Mining Operations.

4. Mining agreements with other surface owners in Crook County, Wyoming, or Carter County, Montana, which were in, or are in, existence at any time during the past five years.

**RESPONSE:** BPM objects to Request for Production No. 4 to the degree that it seeks information beyond the scope of the proceeding as ordered by the Hearing Examiner or confidential business information. Notwithstanding, it is unclear what the term “mining agreements” means as used in this request. Insofar as Request for Production No. 4 requests contractual agreements with surface owners concerning the Proposed Mining Operations, no such documents exist.

5. Bonds for payment to surface owners for damages for any of the above mining agreements set forth in paragraph number 4 above.

**RESPONSE:** BPM objects to Request for Production No. 5 to the degree that it seeks information beyond the scope of the proceeding as ordered by the Hearing Examiner or confidential business information. BPM incorporates and adopts its responses to Request for Production Nos. 2, 3 and 4.

DATED this 7 December 2018.



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Matthew J. Micheli, P.C.  
Samuel R. Yemington  
Holland & Hart LLP  
2515 Warren Ave., Suite 450  
Cheyenne, WY 82001  
mjmicheli@hollandhart.com  
sryemington@hollandhart.com

**CERTIFICATE OF SERVICE**

I certify that on December 7, 2018 I served a copy of the foregoing document to the following by email:

Ronald Ericsson/2U Ranch  
[ericsson@childselect.com](mailto:ericsson@childselect.com)



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