

In Re: Brook Mining Company, LLC Informal Conference

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1 BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY DIRECTOR

2 -----

3 IN RE: Brook Mining Company, LLC

4 -----

5 VIDEOCONFERENCE INFORMAL CONFERENCE PROCEEDINGS

6 9:00 a.m., Wednesday
7 May 13, 2020

8
9 PURSUANT TO NOTICE duly given to all
10 parties in interest, this matter came on for
11 videoconference informal conference on the 13th day of
12 May, 2020, at 200 West 17th Street, Cheyenne, Wyoming and
13 various locations in Wyoming, before DEQ Director Todd
14 Parfitt; Deputy Director Alan Edwards; Keith Guille; and
15 Matthew VanWormer, Wyoming Attorney General's Office.

16 Also present in Cheyenne was Mr. Craig Hults;
17 present in Sheridan were Mr. Mark Rogaczewski and
18 Mr. Bj Kristiansen.

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16
17
18
19
20
21
22
23
24
25

I N D E X

| STATEMENTS FROM THE PUBLIC | PAGE |
|---|------|
| BILL BENSEL | 12 |
| ART HAYES, JR. | 16 |
| JOANNE WESTBROOK | 20 |
| MARY BREZIK-FISHER | 22 |
| GILLIAN MALONE | 32 |
| JOAN TELLEZ | 38 |
| JOHN BUYOK | 46 |
| ANTON BOCEK | 49 |
| JORDAN SWEENEY | 52 |
| SISSY DILLON | 62 |
| FOR THE POWDER RIVER BASIN RESOURCE COUNCIL | |
| SHANNON ANDERSON | 67 |
| DR. GENNARO MARINO | 81 |
| MIKE WIREMAN | 89 |
| JILL MORRISON | 103 |
| FOR BROOK MINING COMPANY, LLC | |
| TOM SANSONETTI | 109 |
| JEFF BARRON | 115 |
| ERROL LAWRENCE | 127 |
| TIM ROSS | 140 |
| TOM VANDERGRIFT | 148 |
| REBUTTAL STATEMENTS | |
| KEITH BURRON | 150 |
| MARY BREZIK-FISHER | 152 |
| GILLIAN MALONE | 153 |
| SHANNON ANDERSON | 155 |
| JEFF BARRON | 156 |

1 P R O C E E D I N G S

2 (Informal conference proceedings
3 commenced 9:00 a.m., May 13, 2020.)

4 DIRECTOR PARFITT: We're going to go ahead
5 and get started. So good morning and thank you for your
6 patience as we work through the technology here.

7 My name is Todd Parfitt. I'm the director of the
8 DEQ.

9 We're here today for an informal conference
10 regarding concerns and objections to the Brook Mine coal
11 permit application. This is an informal conference under
12 the Environmental Quality Act and the Rules of Practice and
13 Procedure Chapter 9 regarding objections to the Brook Mine
14 coal permit application. Proposed Brook Mine would be
15 located approximately 8 miles northwest of Sheridan.

16 There were 2 commenters that requested an
17 informal conference. There were 13 others that requested
18 other forms of meetings, such as informal hearing, informal
19 meeting, and public hearing. Those that requested other
20 forms of meetings were considered to be a request for an
21 informal conference under the Environmental Quality Act.
22 Therefore, it is considered that 15 of the 89 commenters
23 requested this informal conference. Those comments --
24 commenters requesting the informal conference are James and
25 Bonnie Aksamit, Christine Anderson, Shannon Anderson on

1 behalf of the Powder River Basin Resource Council, John and
2 Shelley Barbula, Bill Bensel, Jordan Sweeney of Big Horn
3 Coal Company, Anton Bocek, Mary Brezik-Fisher, Louisa
4 Crosby, E. Heyward, Pam Marks, Gillian Malone, John
5 Vallatich, Rod McCoy, and Joan Tellez.

6 For the record, the time is 9:00 a.m. on May 13,
7 2020. For public safety during this COVID-19 pandemic,
8 this meeting is being conducted virtually through
9 GoToWebinar both by video and audio. For public safety
10 during this COVID-19 pandemic, this meeting is being
11 conducted virtually through go to web on both by video and
12 audio --

13 MR. GILBERTZ: Hold on. There we go.
14 Sorry.

15 DIRECTOR PARFITT: Okay. Sorry about that
16 technical glitch there.

17 But, again, for public safety during this
18 COVID-19 pandemic, this meeting is being conducted
19 virtually through GoToWebinar both by video and audio and
20 is also be streamed live on DEQ's YouTube channel.

21 Public notice of this informal conference was
22 published in the Sheridan Press on April 29, 2020 and
23 May 6, 2020.

24 Now I'm going to turn it over to Keith Guille
25 with DEQ to provide some information at this time about how

1 the GoToWebinar will work for this informal conference.

2 So Keith.

3 MR. GUILLE: Thank you, Todd.

4 Good morning, everyone. My name is Keith Guille.
5 I'm the public information officer for the Wyoming
6 Department of Environmental Quality. As you know, we're
7 here today for an informal conference that was requested by
8 several parties. And, again -- once again, for the public
9 safety during the COVID-19 pandemic, the meeting is
10 available virtually through GoToWebinar and on the Wyoming
11 DEQ YouTube channel. You can actually locate that feed on
12 our main DEQ website at -- anyone that was watching, I want
13 to apologize if that feed was down just briefly. It is now
14 live.

15 The process of the informal conference will go as
16 follows: Director Todd Parfitt will provide additional
17 comments. After Director Parfitt's comments, we will begin
18 the comment period from the identified parties.

19 The list of parties that will be making
20 additional comments is located in the bottom right section
21 on your -- on your page on GoToWebinar. It's under the
22 Attachments. You should be able to -- or Handouts it's
23 called. There should be 1 of 5. And the name of the
24 document is List of Parties and Agenda. This list -- the
25 previous list was also emailed last night to all public

1 members that registered on the GoToWebinar system.

2 Currently, all public members signed into the
3 GoToWebinar are automatically on mute. When it is time for
4 a party to provide comments, Director Parfitt will notify
5 the party on this system and then unmute their microphone.

6 We ask that you speak clearly. The Director will
7 then call on individuals who have registered to provide
8 oral statements. The commenters' system will be activated
9 so she will be able to provide their statement.
10 Additionally, when someone is called on to provide a
11 statement, the next individual or the person that is on the
12 list after them will be called on to speak -- will be
13 called on to speak after that previous person.

14 If a party is attending the meeting at the
15 Sheridan field office, you will provide your statements
16 through the conference room system, as you are there with
17 Mark Rogaczewski.

18 All individuals registered to attend or
19 participate in the informal conference will also have the
20 ability to provide written statements for the record. That
21 written statement can be uploaded to the Smart Comment
22 System. And that Smart Comment System, where the link is,
23 it's the same link that you use to provide comments for the
24 public comment period during the Brook Mine draft permit.
25 And that is on our main website. It's on the banner to

1 view the Brook Mine comments. You can upload those now
2 between 9 and 4 p.m.

3 DIRECTOR PARFITT: All right. Thank you,
4 Keith.

5 And Keith will repeat some of that information
6 on how to provide a written statement when we reconvene at
7 the -- after the lunch hour today as well.

8 So this informal conference is being recorded and
9 will be available on the Department's website and YouTube
10 channel. This informal conference is also being recorded
11 through transcription as required. Transcription is being
12 done by Kathy Kendrick with Wyoming Reporting Services. As
13 we go through the informal conference, I would ask that
14 everybody make sure they speak loudly, clearly and slowly
15 so that we can get everything transcribed accurately.

16 Here with me in Cheyenne is Alan Edwards, the
17 deputy director; Matt VanWormer with the Office of Attorney
18 General; Craig Hults with the Land Quality Division; and
19 Keith Guille, DEQ's public information officer. Other Land
20 Quality Division staff with us in Sheridan are Mark
21 Rogaczewski and Bj Kristiansen.

22 The purpose of the informal conference is for the
23 DEQ to receive more detail on comments received and
24 objections raised during the public comment period
25 regarding the Brook Mine coal permit application, and to

1 help me make a decision on whether to issue or deny the
2 permit application.

3 This is an informal conference, so the rules of
4 the formal hearing process do not apply. Parties are free
5 to present information they believe I should consider in
6 making a decision on the application. However, there is no
7 testimony under oath, and there is no cross-examination.
8 All participants -- participation in this conference today
9 is voluntary.

10 Per the rules of practice and procedure, several
11 parties to the informal conference requested and were
12 granted access to the permit area relevant to the informal
13 conference. The access site tours were provided on May 6,
14 2020. I want to say thank you to Brook Mine and Jeff
15 Barron for making those arrangements.

16 The informal conference was scheduled to begin at
17 9 a.m., which we did. And we will conclude at 4 p.m. or
18 sooner, if we've gotten through all the oral statements.
19 We will take a break as close to noon as possible for a
20 one-hour lunch. The informal conference will be conducted
21 in an orderly fashion.

22 We had 42 individuals registered for today's
23 informal conference, with 25 requesting the opportunity to
24 provide an oral statement. I recognize that some will be
25 combining their oral statements, in particular with the --

1 the Powder River Basin Resource Council and with Brook
2 Mine.

3 For the record, the 25 public commenters and/or
4 Applicant representatives that requested an opportunity to
5 provide an oral statements are as follows: Bill Bensel;
6 Art Hayes, Jr., with the Tongue River Water Users; Joanne
7 Westbrook; Mary Brezik-Fisher, James Aksamit; Gillian
8 Malone; Joan Tellez; John Buyok; and Tom Bocek; Jordan
9 Sweeney with Big Horn Coal; Keith Burron, representing Big
10 Horn Coal; Priscilla Dillon; Jill Morrison; Mike Wireman;
11 Gennaro Marino; Robin Bailey -- or, sorry, Robin Bagley;
12 and Shannon Anderson.

13 The -- they were the five -- last five, Jill
14 Morrison, Mike Wireman, Gennaro Marino, Robin Bagley, and
15 Shannon Anderson are considered part of the PRBRC
16 contingent that will be providing a -- their oral statement
17 in the afternoon.

18 With Brook Mine, we have Errol Lawrence, Jeff
19 Barron, Tom Vandergrift, Timothy Ross, Harry Specht, Tom
20 Sansonetti, Pat Day, and Joanne Dewald. And they too will
21 be considered as one oral statement, but be given
22 appropriate time.

23 So I will start in the order as was just listed.
24 Each registered party will have up to 15 minutes to provide
25 their oral statement. Then, because they represent several

1 commenters and requesters, I will provide Powder River
2 Basin Resource Council 60 minutes to make their oral
3 statement and provide supporting information regarding the
4 written comments previously submitted.

5 I'm assuming, Shannon Anderson, that you will be
6 taking the lead for PRBRC, and then if you have -- or as
7 you have others that will be presenting, please let us know
8 and we can open up their mics for them when they're ready.

9 I will then provide the Applicant, Ramaco or
10 Brook Mine, 60 minutes to provide any information that they
11 would like to offer. The format will be the same as just
12 described, whoever the lead is -- and I understand that
13 it's Tom Sansonetti will be the lead. Just let us know
14 when others will be assisting with presentation and we'll
15 turn their mics on.

16 For all of those that are providing oral
17 statement, I may ask questions as you go along for clarity.
18 I will reserve some time upon conclusion of each statement
19 to ask any follow-up questions. You will be notified when
20 you are nearing the end of your allotted time. Try to give
21 you a five-minute warning before the end of your time.

22 Upon conclusion of the Brook Mine statement, I
23 will also -- I will assess how much time is still
24 available. If sufficient time is remaining, I will
25 consider asking if any party who provided an oral statement

1 would like additional time. If such request is made, I
2 will determine how much additional time to make available
3 for those parties.

4 Again, during the oral statements, I will ask
5 questions for clarity and will reserve time for final
6 follow-up questions.

7 So, finally, some parties who requested an
8 opportunity to make an oral statement asked that their
9 allotted time be made available for use by other parties.
10 We have built that into the allotted time. It is important
11 to give everyone who commented during the comment period
12 and also requested the opportunity for an oral statement to
13 have that opportunity to be heard. Someone who made a
14 request to speak elects not to provide an oral statement,
15 that time will be made available, if needed, later in the
16 informal conference.

17 Okay. So one final check.

18 Mark, you can hear us fine? And turn on your
19 mic.

20 MR. GUILLE: I'll have to turn it on.

21 DIRECTOR PARFITT: Okay. You're on.

22 MR. ROGACZEWSKI: Yeah. I've got head nods
23 saying, yes, we can.

24 DIRECTOR PARFITT: And, Craig, you can hear
25 us?

1 MR. HULTS: Yes, I can hear you good.

2 DIRECTOR PARFITT: Okay. So now we will
3 take the first presenter for oral statement, and that would
4 be Bill Bensel.

5 MR. GUILLE: Bill, can you hear us?

6 MR. BENSEL: I can hear you. How about on
7 the other end?

8 MR. GUILLE: We can hear you as well, sir.

9 DIRECTOR PARFITT: We can hear you fine.

10 MR. BENSEL: Okay. Very good. Success.

11 My name is Bill Bensel. I live outside of
12 Ranchester, Wyoming.

13 Thank you, Director Parfitt, and your DEQ staff
14 for arranging this meeting. I know it's been difficult to
15 provide for due process for public input, especially under
16 the current conditions of the pandemic. I trust that the
17 neighbors and concerned parties will have their full
18 opportunity to speak on record to the impacts of this
19 controversial and questionable mine proposal located in the
20 Tongue River Valley.

21 I live 2.6 miles to the south of the proposed
22 mine boundary. I am very concerned with the number of
23 issues, which I have expressed to you previously including
24 impacts on ground and surface water, blasting and air
25 quality, subsidence, and the more dire effects on

1 landowners who live directly adjacent to the mine site.

2 Deriving details for the mine have been vague at
3 best, thus your many DEQ revisions to the mine plan.

4 Attempting to nail down the truth and facts of the proposal
5 for mining and the directly associated Ramaco experimental
6 scheme has been frustrating with ever-changing plans and
7 statements.

8 As an irrigator, I am extremely concerned that
9 the mine proponents have avoided identification of water
10 rights required of the mine and processing. Postponing any
11 adjudication of water rights will have a negative ripple
12 effect on irrigation and municipal use up and down Tongue
13 River and has the potential to bring renewed legal
14 consequences under the Yellowstone compact.

15 That all said, I want to focus my comments this
16 morning on the impacts of the major coal mine development
17 on recreation and hunter use. Tongue River and Goose Creek
18 are major recreational areas accessible to the public for a
19 wide variety of recreational uses. The area provides for
20 walking, biking, skiing, fishing, boating and hunting.
21 Recreational use and public access is limited in the
22 Sheridan area, and this area adjacent and underlying the
23 mine receives a lot of use in all seasons of the year.

24 The proposed Brook Mine boundary overlaps and is
25 directly adjacent to these popular recreational areas.

1 Blasting, hauling, and high-intensity industrial activity
2 associated with the production coal mine will compromise
3 safety, reduce water quality, and degrade the high-quality
4 hunting, fishing, and other recreational experiences that
5 are so valued by the public.

6 I have to mention there are also historic
7 cemetery locations within the proposed mine boundary that
8 should never be disturbed.

9 The proposed mine boundary overlays the Wyoming
10 Game & Fish Hunter Management Walk-in Areas Number 1 and 6.
11 High recreational demand in a county with very limited
12 access drove the access for these areas for public hunting
13 and fishing. This area is stocked with pheasants paid for
14 with hunter dollars through the Wyoming Game & Fish
15 Department. I see the highest hunter use levels of all
16 Sheridan County hunter access areas right here.

17 Also, nonprofit organizations including the
18 Sheridan County Land Trust and National Wild Turkey
19 Federation contributed their support to enhance public use
20 here. They've invested. These areas also provide hunting
21 opportunities for other species, including deer, turkey,
22 waterfowl, and predators. Recreational target shooting
23 occurs here as well.

24 There are also additional upland birds, including
25 gray partridge and sage grouse. But Kleenburn Ponds

1 Recreation Area was also created due to the high
2 recreational demands of our Sheridan County population.
3 This area gets tremendous use for fishing, boating, hiking,
4 and other related uses.

5 Fish are stocked by the Wyoming Game & Fish
6 through our license fees. The proposed Brook Mine will rob
7 the citizens of this county of a special asset that they
8 value and enjoy. To avoid disturbance and loss of
9 recreational use, no coal mining should occur within one
10 and one-half miles from Walk-in and Hunter-Management Areas
11 1, 6 and 7 and the adjoining state and county lands that
12 are used for recreational purposes.

13 That said, there is no need for a full mine
14 development here. The logic of this proposal is absent
15 whether it be to feed experimental common -- carbon
16 research facilities or supply to the thermal coal market.

17 That is the end of my statement.

18 DIRECTOR PARFITT: Thank you, Bill. I do
19 have one question for you. If you wouldn't mind just
20 speaking a little bit to the -- you made mention of -- in
21 your written comments that the Sheridan County
22 Comprehensive Plan Land Use document, can you speak a
23 little bit to that?

24 MR. BENSEL: Yes, Todd. The comprehensive
25 plan that was recently updated does not include an

1 industrial site for this mine boundary area. It's
2 currently agricultural use. So there would have to be a
3 rezoning process going forward to jive with the
4 comprehensive plan and allow the development of the mine.

5 DIRECTOR PARFITT: Okay. Thank you. Thank
6 you. And thank you for your statement.

7 Okay. So next on the list we have Art Hayes with
8 the Tongue River Water Users.

9 DEPUTY DIRECTOR EDWARDS: Who was up next
10 after --

11 DIRECTOR PARFITT: Oh, yeah. And then
12 Joanne Westbrook will be up after this.

13 Art, are you there?

14 MR. HAYES: I think I'm muted. Can you
15 hear me?

16 MR. GUILLE: We gotcha.

17 MR. HAYES: Okay. I am Art Hayes, Jr.,
18 president of the Tongue River Water Users Association. I
19 am happy to be able to address this DEQ meeting today.

20 And I would like to address it in two things.
21 Both water availability and water quality. The Tongue
22 River is really the lifeblood of both Montana and Wyoming
23 agriculture. And like most rivers in the western United
24 States, Tongue River is overappropriated.

25 Under the Yellowstone Compacts, Montana can and

1 will make a call on Wyoming for water in dry years. United
2 States -- U.S. Supreme Court Case Number 137, Original,
3 Special Master Burton -- Burton Thompson has laid out much
4 of a plan for how we manage this river in the future.
5 It -- and it's my understanding that any water rights
6 obtained for this mine will be post-'50.

7 If Montana makes a call, those water rights will
8 be -- have to be shut down until the call is lifted or
9 replacement water found. Under the compacts, all Wyoming
10 water that is being stored in reservoirs and Montana makes
11 a call, that water will be measured. And if Tongue River
12 Reservoir does not fill, those pos-'50 waters will have to
13 be released downstream to Montana.

14 For groundwater I would like to quote from the
15 Special Master's findings, Report -- Final Report, page 92.
16 Quoting, I previously concluded that Wyoming must ensure
17 that post-1950 groundwater pumping does not interfere with
18 the continued enjoyment of the pre-'50s surface rights of
19 Montana. If Montana shows that groundwater pumping in
20 Wyoming has depleted the Stateline flow at a time when
21 water is needed for pre-'50 appropriations the rights in
22 Montana, Montana has established a violation of the
23 Compact.

24 Granted, we have -- the special master has laid
25 out guidance, and Montana is trying to work -- is working

1 very closely with Wyoming now, after this case, to help
2 manage this river. But any pre-'50 water -- or post-'50
3 water right will be called on. I also can see that a
4 downstream user in Wyoming could make a call if this mine
5 is -- is taking water out of the alluvium for its operation
6 and decreasing the flow in the river and would affect a lot
7 of Wyoming water users, that Wyoming water users would
8 probably have to make a call.

9 As to the water quality, in the past water
10 quality in Tongue River is turning saline. The Montana
11 water users and others went to -- before the Montana Board
12 of Environmental Review and established water quality
13 standards for this river, and those were approved by the
14 EPA.

15 Wyoming challenged those Water Quality Standards
16 in federal court in Cheyenne. Judge Brimmer, after
17 planning a long time and several hearings, sent those water
18 qualities back to the EPA for further study. And the EPA,
19 after quite a while, approved those EPA Water Quality
20 Standards for Montana.

21 If you look at the Montana State mine gauge --
22 USGA -- USGS gauges, you will see that the water quality in
23 Tongue River at the state line when the gauge opened up
24 around March 28 -- or 25th -- was close to that 1,000 EC
25 standard of Montana. After -- it does not seem to drop

1 until after we start getting water out of the mountain. I
2 think if you look at the EC gauge at Miles City, we have
3 been running over the thousand EC standard for 60 days so
4 far this year. It's been running average of 1200. This is
5 harmful water. This is -- actually will poison our ground,
6 salt our ground, and it's hard on wildlife and new plants.
7 Young alfalfa cannot stand this high of EC water.

8 We -- we are very concerned. We must learn from
9 our past experiences with coal-bed methane. And where we
10 have -- it seems like when methane started, ECs in the
11 river started way up and they have not started dropping.
12 We're still going up. We're still experiencing the effect
13 of methane.

14 And I would like to quote Dr. Larry Mundt from
15 the University of Wyoming. He said any time when you bring
16 these salts up from these deep geological formations and
17 put them on the surface, you're going to have a negative
18 effect on irrigated agriculture.

19 But I am also concerned that the DEQs from both
20 Wyoming and Montana failed to address this as a problem,
21 and we are the ones who are suffering. And we will
22 continue to fight for our clean water and for water, our
23 appropriated water from the compacts.

24 I thank you for the opportunity to speak, and I
25 will attempt to answer any questions you have at this time.

1 DIRECTOR PARFITT: Okay. Thank you, Art.
2 I appreciate your -- your statement, and appreciate the
3 written comments that you've submitted. And we'll be
4 taking those into consideration.

5 Do we have any -- do you have any?

6 DEPUTY DIRECTOR EDWARDS: No.

7 DIRECTOR PARFITT: So thank you, Art. We
8 don't have any follow-up questions for you at this time.

9 So next up is Joanne Westbrook, and then after
10 Joanne will be Mary Brezik-Fisher.

11 So Joanne.

12 MS. WESTBROOK: Yes. I'm Joanne Westbrook.
13 I'm a concerned citizen and a landowner in the area of
14 Ranchester. Our family uses one of -- the road up Slater
15 Creek that passes through the mine area, and would have to
16 be located at some point, they say, which is concerning
17 because there's nothing written out that's specified as to
18 what might happen with that road, who would pay for it,
19 anything about the conditions of the road, or anything of
20 that sort.

21 The other main concerns I have about this mine
22 are the water quality and the quantity, to the proximity of
23 Slater Creek and runoff into Slater Creek. That Slater
24 Creek goes right next to the mine, the proposed -- the
25 first part of the proposed mine. And any runoff is going

1 to go right from and right into the Tongue River.

2 And the proposed water usage of the mine, around
3 300,000 gals a day, is not specified where they're going to
4 get that water, how it's going to be provided is not
5 specified in that permit. It's -- it's very important
6 that -- that usage not be allowed to affect the stock water
7 or the wells in the area or the quality of the water in the
8 Tongue River.

9 And I'm concerned about the recreation areas, how
10 would they be replaced if they're affected. Would they be
11 replaced? Would we just lose those?

12 I think the struggle over the mine is in the way
13 of an example of the struggle in Sheridan County and lots
14 of counties about what course is the County going to take?
15 How are the residents going to be treated? How is the land
16 going to be treated? How is the wildlife going to be
17 treated? Is that process going to be fair and open and
18 transparent? And is it going to be spelled out in a
19 rigorous way or just kind of left to chance? And we -- we
20 really need to see it spelled out in a way that's decent
21 for the environment and decent for the people and fair.

22 And I appreciate the opportunity to make these
23 comments. Thank you.

24 DIRECTOR PARFITT: Okay. Thank you,
25 Joanne. Appreciate your comments. I don't think we have

1 any further questions at this time.

2 MS. WESTBROOK: Okay.

3 DIRECTOR PARFITT: Thank you for commenting
4 and providing your oral statement.

5 MS. WESTBROOK: Thank you.

6 DIRECTOR PARFITT: Okay. Next up is Mary
7 Brezik-Fisher, followed by Gillian Malone.

8 So Mary.

9 MS. BREZIK-FISHER: Yes, I am here. Can
10 you hear me?

11 DIRECTOR PARFITT: Yeah. We can hear you
12 quite well.

13 MS. BREZIK-FISHER: Okay. Great. This is
14 Mary Brezik-Fisher.

15 Thank you, Mr. Parfitt, for the opportunity to
16 make a statement on the record. And also thanks to Keith
17 and Craig and the other DEQ folks who made the arrangements
18 to facilitate this informal conference. As you know, my
19 husband and I are landowners within a half mile of the
20 planned coal mine, and were parties to the previous
21 contested case hearing conducted by the Environmental
22 Quality Council.

23 We are still parties to litigation currently
24 pending with the Wyoming Supreme Court based on Ramaco's
25 appeal of the EQC's 29-page ruling outlining serious

1 deficiencies with the proposed mine plan.

2 On April 23, 2020, the Fishers submitted an
3 objection letter to your office regarding the current
4 permit application. And I understand that that objection
5 letter is part of the record in this proceeding. We
6 incorporate those comments with the following
7 supplementation: Good decisions are based on a solid
8 understanding of both sides of an issue. Ramaco has done a
9 masterful job of drowning out landowners' concerns with its
10 slick media campaign and promises of an economic windfall
11 for our community.

12 Unfortunately, they have made a concerted effort
13 to thwart any attempts made by landowners to question their
14 proposed plan. Instead of having a meeting in which
15 questions and concerns could be expressed, the landowners
16 were forced into a litigious contested case proceeding,
17 during which time Ramaco's attorneys filed motion after
18 motion to dismiss and strike the landowners' participation
19 and testimony in that process.

20 Thankfully, the EQC took a reasoned and
21 scientific approach to this matter. They listened. And
22 they decided after hearing both sides of the argument.
23 Mr. Parfitt, I implore you to do the same.

24 There were a number of comments submitted to the
25 DEQ, and I have reviewed those comments on your website.

1 There were a host of supporters of the proposed mine who
2 made comments touting the promised economic benefits.
3 While reviewing those comments, please note the obvious
4 distinction between those folks and the voices of the
5 landowners who reside within close proximity of the mine
6 operation, and who will be subjected to blasting, dust,
7 noise, sirens, diminished air quality, heavy road traffic
8 and other significant impacts seven days a week.

9 I venture to guess that most, if not all, of the
10 local proponents of Ramaco's plan, including local and
11 state government officials, none of whom live within half a
12 mile of the proposed mine, none of them -- or not many of
13 them have reviewed even one page of the ever-changing mine
14 plan. And they have made little effort, in my estimation,
15 to obtain the critical facts from landowners or other
16 sources.

17 My husband and I do live there. We have studied
18 and researched the mine plans for these last several years.
19 We've researched the subsidence in hydrology issues and
20 other important aspects of the proposed coal mine, as have
21 our neighbors, and I urge you to take that into
22 consideration during this hearing.

23 As described in detail in our recent letter of
24 objection, the situation at hand is quite unique, given the
25 location of this proposed coal mine in the middle of the

1 verdant Tongue River Valley. These are the facts. There
2 are over 100 landowners within a half mile of the mine.
3 There are over 350 domestic and stock water wells which
4 could be impacted. There is testimony in the record at
5 the EQC hearing that drawdown of wells could be as much as
6 25 feet. And that includes our well.

7 Hundreds of irrigators in Montana and Wyoming
8 utilize this area for their agricultural operations. And
9 countless members of the public, including a significant
10 tourist trade, participate in the many recreational
11 opportunities this fertile valley offers.

12 This is unlike any other coal mine operation in
13 Wyoming, such as the mines in Gillette's "industrial
14 valley." Careful consideration of these deniable facts has
15 to be undertaken to ensure that impacts will be minimized
16 and landowners' properties, water wells, and very
17 livelihood will be protected, as well as the Tongue River
18 and Wyoming's natural resources -- natural resources.

19 Following the contested case hearing, Brook has
20 modified its original mine plan, and some improvements have
21 been made. However, in our estimation, it is not yet
22 accurate and complete. Experts who have reviewed this
23 revised plan still have grave concerns about subsidence,
24 hydrology, and alluvial valley floor issues, as expressed
25 in their reports and in testimony on -- I understand that

1 they will be providing in this informal conference.

2 There are still many unanswered questions about
3 the viability of a new coal mine in the face of the
4 tremendous decline of the coal industry. There is still
5 work to be done on the mine plan to ensure greater
6 protection to the area, properties, wells, and quality of
7 life, given this unique location and the number of
8 landowners who will be impacted.

9 Serious questions remain on the risks posed by
10 this mine. The comments by Dr. Marino and Mr. Wireman
11 highlight that Brook Mine has not yet done the
12 comprehensive studies the EQC says should be done to
13 support this mine permit application under a scientific and
14 not political standard. Therefore, this permit application
15 should be denied.

16 In Wyoming we often hear the phrase "trust but
17 verify." If Brook is just granted a permit for the TR-1
18 area, the first phase of the operation, then it is given
19 the opportunity to verify the claims and assurances it has
20 made, and it can easily apply to modify its plan to include
21 new areas in future phases. The coal mines in Gillette
22 have done this for decades.

23 On the other hand, if Dr. Marino and Mike
24 Wireman's concerns prove to be true, Brook would not have
25 the advantage of snarling the DEQ up in illegal maneuvers

1 to allow it to keep mining. If Brook is as confident as it
2 says it is about not causing environmental damage, it
3 should welcome this opportunity to verify its claims, not
4 find excuses to resist it. Wyoming and its citizens
5 deserve for the DEQ to take this cautious approach in the
6 face of serious concerns raised.

7 If the director ultimately deems this mine plan
8 complete and approves the current plan, my husband and I
9 will have to disagree with that decision. Having said
10 that, however, we would be naive to think the director will
11 deny the permit application on this round given the notable
12 political pressure that he and the DEQ are under.
13 Therefore, in an effort to ensure greater safety and
14 protection for the over 100 landowners, 350 water wells,
15 and the Tongue River Valley as a whole, and for the trust
16 and verify reasons stated above, if the director approves
17 the current mine plan, we request that the director
18 consider approval of only phase 1, the first five years,
19 with the following conditions and restrictions, many of
20 which were discussed and approved in the 2017 contested
21 case hearing.

22 Blasting. Instead of sunrise to one hour before
23 sunset seven days per week, as stated in the current mine
24 plan, blasting should be limited to five days per week,
25 Monday through Friday, from approximately 8 a.m. to

1 approximately 6 p.m., and excluding holidays. Testimony at
2 the EQC from both DEQ and Brook Mine indicated that this
3 would be a reasonable compromise to help mitigate safety
4 and damage concerns.

5 An April 14, 2020 memorandum prepared by DEQ
6 blasting program manager, Reo Barney, sent to landowners
7 notes that due to the number of historic stone structures,
8 some dating over 100 years, located within close proximity
9 to blasting operations, the -- excuse me -- the DEQ can
10 reduce the maximum allowable ground vibration to ensure
11 greater damage protection. We request that the ground
12 vibration be reduced to 0.5 inches per second as referenced
13 in Mr. Barney's memorandum.

14 Blasting should be limited or restricted during
15 inversions or high wind or weather events. There is no
16 provision for this in the current mine plan, but it is a
17 common condition in the Gillette mines, as testified to in
18 the EQC hearing.

19 A pre-blast survey and/or a downhole review of
20 their water well by request of any landowner within a half
21 mile of the mine should be conducted. And if a well
22 becomes impaired after mining operations commence, Ramaco/
23 Brook Mine should be obligated to supply replacement water
24 until such time as it can be determined what the cause of
25 the impairment is, and indefinitely if Brook operators are

1 the cause.

2 As agreed to by DEQ and Brook Mine in the EQC
3 hearing, landowners who request seismograph monitoring of
4 their property prior to blasting should be accommodated.

5 As agreed to by DEQ and Brook Mine in the EQC hearing,
6 "adjudicated" and "registered" wells should be included in
7 the mine plan.

8 As agreed to by DEQ and Brook Mine in the EQC
9 hearing, monitors should be placed upstream and downstream
10 in the Tongue River.

11 Additional scientific studies and data collection
12 needs to be completed and characterizing current baseline
13 conditions. And I expect that Dr. Marino and Mike Wireman
14 will further expand on that issue.

15 And, finally, the 29-page order from the EQC
16 following a contested case hearing should be carefully
17 analyzed by DEQ and conditions or restrictions should be
18 imposed on the current mine plan which reflect
19 implementation of the provisions of that order.

20 I just have a few more what I consider
21 significant unanswered questions. Some of these were
22 addressed in our April 23rd letter. The current mine plan
23 states that Brook Mine will be using approximately 304,000
24 gallons of water per day. That is 304,000 gallons of water
25 per day. And that 87 percent of the water will come from

1 surface rights, which Brook Mine has not yet secured.

2 I understand also that recently a comment was
3 made that Brook Mine may need to purchase water from the
4 town of Ranchester. How feasible is that? How is it that
5 a permit can be approved utilizing that significant amount
6 of water when they have not identified their source of
7 water? Obviously, those of us who live in that area and
8 who utilize that area are concerned that our groundwater
9 will be further impacted as a result.

10 Traffic control plan. The mine plan acknowledges
11 that the blasting operations can potentially affect public
12 roads and could result in road blockages and closures.
13 This can cause a major disruption in travel along the
14 frontage road and potentially even Interstate 90. What
15 steps will be taken to minimize those impacts? Road damage
16 and safety issues. Who will be responsible for maintenance
17 and repairs to county roads utilized by mine operation? If
18 coal is to be transported on the frontage road with heavy
19 truck traffic, what measures or restrictions are in place
20 to ensure the safety of others traveling on that road such
21 as slow-moving ag machinery, bicyclists, runners, local
22 folks, and recreationists?

23 MR. GUILLE: Mary, this Keith Guille.

24 MS. BREZIK-FISHER: Yes.

25 MR. GUILLE: I just want to let you know

1 you have a couple minutes left. I just want to --

2 MS. BREZIK-FISHER: I just -- okay. Great.

3 Thank you. I'm almost finished.

4 It's my understanding that if the mine plan is
5 approved for the entire life of the plan, approximately 39
6 years, if Brook Mining Company or Ramaco sell to another
7 company or foreign entity, that can create some serious
8 consequences.

9 Thank you for providing a format to voice our
10 concerns.

11 DIRECTOR PARFITT: Thanks, Mary.

12 Just a couple of things. First, I wanted to let
13 you know, yes, indeed, we do have your seven-page letter
14 that was dated April 23rd, and that is part of the
15 administrative record. Just --

16 MS. BREZIK-FISHER: Thank you.

17 DIRECTOR PARFITT: Yeah. And then -- and
18 this is just for the record. You had mentioned about
19 monitors upstream and downstream on the Tongue River. Can
20 you elaborate on that in terms of what -- what would you
21 like to see monitored for? And --

22 MS. BREZIK-FISHER: Well --

23 DIRECTOR PARFITT: -- if you don't know,
24 that's fine.

25 MS. BREZIK-FISHER: I think I'd prefer to

1 defer that. I'm not a hydrologist, and I think Mike
2 Wireman can fully answer your question.

3 DIRECTOR PARFITT: Okay. That's fine.
4 Thank you for that, and your well-organized comments and
5 your oral statement.

6 MS. BREZIK-FISHER: Thank you.

7 DIRECTOR PARFITT: Okay. Next up is
8 Gillian Malone, which will be followed by Joan Tellez.

9 But, Gillian, do you want to share your video?

10 MS. MALONE: Yes. Can you hear me?

11 DIRECTOR PARFITT: Yeah. We can hear you
12 just fine.

13 MS. MALONE: Okay. Can you see me?

14 DIRECTOR PARFITT: I cannot yet.

15 MS. MALONE: Okay. I was just wondering,
16 because I haven't been able to see anybody presenting
17 remotely, so I was just curious if you could see me.

18 MR. GUILLE: So I did, Gillian -- this is
19 Keith. I did send you a webcam request. Let me know if
20 you receive it.

21 MS. MALONE: Okay. It says share my
22 webcam. Is that what you mean?

23 MR. GUILLE: That's what I mean, yes.
24 Thank you.

25 MS. MALONE: And click on that?

1 MR. GUILLE: Yes, please.

2 MS. MALONE: It's not working.

3 MR. GUILLE: Not working, huh?

4 MS. MALONE: It's just my computer doesn't
5 want to do it.

6 MR. GUILLE: Okay. Well, we'll --

7 MS. MALONE: So, anyway, as long as you can
8 hear me, that's fine.

9 MR. GUILLE: We can.

10 MS. MALONE: I can see myself now, but I
11 just -- some of this technology eludes me.

12 MR. GUILLE: I understand that. I'm in the
13 same boat, so...

14 MS. MALONE: Okay. So I'll proceed.

15 Thank you for taking my comments. These are in
16 addition to my written comments, and partly in response to
17 a mine site tour that I was able to attend last week, for
18 which I am grateful.

19 I first became involved with this proposal -- or
20 a series of proposals since Ramaco entered our community
21 as a recreationist. I love to hike, boat, and watch birds,
22 and the Tongue River corridor provides ample opportunity
23 for all of these, largely due to the walk-in areas provided
24 by Game & Fish, in partnership with private landowners, the
25 State and Sheridan County, through parks and rec.

1 The fact that historically it was a mine and
2 industrialized doesn't take away from the experience. In
3 fact, it adds a layer of interest when you encounter an
4 artifact from bygone days. As a teenager, I was friends
5 with a family in Acme, where small houses with giant
6 cottonwoods overhead were home to employees of the Acme
7 Power Plant. This area is now frequented by pheasant
8 hunters in the fall. And in the spring and summer boaters
9 put into the Tongue River here.

10 I have never been to these recreation sites
11 without seeing people. Kleenburn Pond, fishermen and
12 women, families picnicking, pushing strollers, and the
13 walk-in areas that extend for miles in the hills behind
14 Monarch and above Acme, north of the Tongue.

15 This area in particular is very close to Ramaco's
16 planned staging and equipment storage area. And not far
17 from here, as the crow flies, is the first mine site, the
18 strip mine, on land owned by Taylor Quarry.

19 In fact, Game & Fish's hunter management walk-in
20 area abuts the mine site. And yet Ramaco claims recreation
21 will be unaffected by mining activity. I disagree. In
22 fact, I anticipate this area will be closed due to the
23 potential hazards of blasting, which the Company insists
24 must be allowed to occur 24/7 to accommodate their
25 schedule, even though they admit they will blast a maximum

1 of once every two weeks.

2 Also close to the mine site are historic homes
3 and farming operations of Tongue River Valley families who
4 will be disproportionately affected by blasting. At a
5 minimum, blasting shall be limited to predesignated days of
6 the month, which would allow hunters and recreationists and
7 local residents to go about their lives in an informed
8 manner.

9 On our tour of the mine sites, we realized that
10 moving equipment from the laydown or equipment storage area
11 to the mine site, in spite of its close proximity as the
12 crow flies, would have to occur on public access roads,
13 because Brook Mine will not be allowed to go through Big
14 Horn Coal property at that point.

15 These haul roads will actually be the county
16 roads and highways the taxpayers maintain and support. But
17 one -- none of this has been spelled out by the Company.

18 Other questions. Where will they get water for
19 dust control? Where will they get the 300,000 gallons plus
20 of surface water they need for their operating without --
21 for their operations per day without any water rights?
22 There are still too many unanswered questions, and this
23 permit application is still incomplete.

24 My educational background is in environmental
25 sociology. And I worked doing social impact assessment for

1 projects not unlike this one, except for some crucial
2 differences. My work took place on federal ground and
3 therefore, fell under the guidelines of NEPA, the National
4 Environmental Policy Act. Meaning the proponents of a
5 project were required to take into account the impacts
6 their proposal would likely have on people's lives.

7 The most successful projects tended to be the
8 result of the proponent actually engaging the community in
9 a dialogue so that residents were not left in the dark as
10 to what impacts were likely to occur and what effects they
11 would have on people's lives and livelihoods.

12 Ramaco owns the land they claim will serve as a
13 research center for coal to carbon fiber manufacturing, and
14 they are, therefore, immune from having to abide by federal
15 regulations. But it doesn't mean they aren't accountable
16 to this community, yet they have made themselves completely
17 unavailable to the Tongue River Valley residents who simply
18 want their questions answered. I know it's been a long
19 process, and we all want it to be over, but you, the DEQ,
20 Todd Parfitt, are charged with making the right decision,
21 not the decision that makes the most political sense. I
22 commend you for persevering so far round after round after
23 round, but now it is time to do the right thing, based on
24 the facts you have before you and the testimony you've
25 already received today and will receive later on, and deny

1 this permit for still being incomplete and for the fact
2 that the Tongue River, the alluvial valley, and the
3 residents' well-being and quality of life are at stake. If
4 you feel you cannot deny the permit, then at the very least
5 the term should be vastly reduced to the first phase of the
6 project so that the mining operation can be stringently
7 monitored.

8 We now know that Ramaco is much more dependent on
9 outside funding, specifically federal funding, than they
10 would have had us believe. Case in point, is the iCAM
11 building, which started out at 10,000 square feet, was
12 scaled back to 6,000 square feet for lack of funding, and
13 now is back to 10,000 square feet as a result of federal
14 grant coming through. Considering that much of the public
15 support for this project rested on the perceived lack of
16 need for public financing, this turn of events warrants
17 considerable scrutiny.

18 And when it comes to the mine, adequate bonding
19 becomes the issue. There is nothing about this project
20 that inspires confidence in its success. Coal mines are on
21 the way out. There are competing mines supplying domestic
22 coal, and carbon fiber technology is yet unproven.

23 All of this screams for proceeding with utmost
24 caution, and the last thing we need right now is another
25 failed coal mine in Wyoming.

1 Thank you so much for taking my comments.

2 MR. GUILLE: Sorry. You were on mute.

3 DIRECTOR PARFITT: Oh, okay. Sorry. I'll
4 start that over.

5 So thank you, Gillian, for your comments.
6 Appreciate those. And also appreciate the written
7 statement -- comments that you provided as well.

8 One thing I've noticed here is that I skipped
9 over James Aksamit, but we'll go to Joan, as scheduled
10 next, and then James.

11 MR. GUILLE: Just a second. Let me get to
12 them. All right. We're ready to go on.

13 DIRECTOR PARFITT: You ready?

14 MR. GUILLE: One second.

15 MS. TELLEZ: Good morning. I'm
16 Joan Tellez, and I'd like to thank you very much for
17 allowing this informal hearing to happen. I know it's
18 been tough for you to get it together, but we appreciate
19 your ears.

20 Okay? A little bit about myself. I just want to
21 let you know I'm a partner in our family farm, which is
22 located at 25 Monarch Road, which is catty-corner across
23 the interstate from the proposed starting of this strip
24 mine.

25 We do have a lot of -- I have a lot of concerns

1 about the changing plans always of the Brook Mine.
2 Information written in the permit may not be what actually
3 will happen, because Ramaco's plan keeps changing, and
4 that's been part of their behavior and their past history.

5 You know, a few years ago Ramaco had a big ad in
6 the newspaper that they were going to hire between 3,000
7 and 3500 employees to work in the mine and to work in their
8 research center. The Company has not been transparent at
9 all with their plans or with the landowners. So, anyway,
10 we -- we've tried to ask questions. We've tried to get
11 meetings, and they refuse to meet with us.

12 So I'm just going to go on a little bit with --
13 that's just kind of a little bit of the background. I just
14 want you to keep my letter on file. It is dated April 8th
15 of 2020. I'd like that in the permanent record, please.

16 But I have a question for you. What is the
17 purpose of the DEQ? And does the DEQ protect everyone
18 equally, or is it more prone to protecting industry?
19 Because in our -- in our workings here, and everything, it
20 seems like the landowners have not been listened to. We're
21 worried about our air, water, and land, but it seems like
22 that's all just kind of shoved under the carpet. And, you
23 know, the industry kind of gets -- gets the upper hand.
24 But who will protect our air, water, and lands if this
25 permit goes through?

1 Okay. I don't know if you've heard or not, but
2 this week Decker Coal laid off 98 employees. That pretty
3 much shut their mine down. And that's been a big mine for
4 how many years? Probably 40 years?

5 Spring Creek Coal just laid off 75 employees a
6 couple weeks ago. With these two big established mines
7 slowing their production and laying off employees, I am
8 curious how Ramaco plans to start an open pit mine without
9 being certain of who will do the work, and yet they have no
10 customers.

11 Who will the contractors be? Will they bring
12 somebody in from Kentucky? Because they're not saying
13 anything about the local hiring like they originally
14 advertised, especially in that 3,000 to 3500 employees.

15 With this being contracted, the employees will
16 not necessarily receive benefits. They won't from Ramaco
17 unless their contractor provides benefits for them. Again,
18 the jobs advertised will not be what the public was
19 promised. And at that time, when they promised all of
20 those jobs, Sheridan County was -- they were just ecstatic
21 because look at all these jobs this company is bringing in.
22 To this date, it has not shown it's brought that many jobs
23 in.

24 Okay. Anyway -- anyway, my thing is the
25 speculation of jobs and economic boost to Sheridan and

1 Wyoming by Ramaco was well publicized. However, how many
2 employees do they have besides their lawyers and the people
3 who have worked on the permit and their office manager?
4 They've also got a little building with some 3D printers.
5 They have a few employees there. But it's not what they've
6 been publicizing.

7 All along their plan, we have been hearing, was
8 for highwall mining, but now all of a sudden they're
9 starting with an open pit. We were told the open pit is
10 going to be 150 feet wide by a thousand feet long. Think
11 about that. How big is a football field? Is this very
12 much bigger than a football field? By the time they take
13 the overburden off and get in there, there's going to be a
14 lot of contamination. I don't care what they say that
15 they're going to block it, it's going to run downhill,
16 because that's where it is. It's on top of a hill and it
17 runs down to Slater Creek.

18 Okay. So ever since we heard about this mine in
19 2015, it seems the plans have continually changed. That's
20 one plan for instance. You know, the plans of having all
21 those employees in Sheridan, all the employees in Wyoming,
22 all of this economic boost that's going to come to the
23 state of Wyoming, where is it coming from?

24 The landowners have requested meetings to ask
25 questions on what was being planned because they just

1 wanted to know what was happening. But we've been denied
2 that permission until the contested hearing in 2017. And
3 that's -- that's the first time at that time that we were
4 able to see -- just before the contested hearing, we were
5 able to see plans and something that they had, you know,
6 sketched up. They talked about building up the area down
7 at Kleenburn. They were going to have berms. They were
8 going to have beautiful buildings. It was going to look
9 like -- someone quoted to me it's going to be similar to
10 how the Powder Horn looks. Well, the Powder Horn is a golf
11 course. And, yes, it's beautiful, but I don't see the same
12 beauty down at Kleenburn.

13 I have so many things I've got here that I wanted
14 to say, but so many people have said something ahead of
15 time, so I hate to keep repeating myself.

16 Anyway, one thing I have a question about is how
17 difficult would it have been to get neighbors -- to let the
18 neighbors ask questions and get answers from a new neighbor
19 coming to town. I've lived in that Tongue River Valley all
20 of my life, until -- you know, until I grew up and left.
21 But during that time, we were a neighborhood. The
22 neighbors were good neighbors. If somebody had a problem,
23 the neighbors pitched in. They were right there. They
24 helped each other. I don't see that with Ramaco. Ramaco
25 is -- I don't trust them, because they've got a background

1 of distrust. And part of that background is not only
2 bankruptcy, but tax fraud and prison terms. You know, that
3 stuff doesn't come out, but it's been in the paper -- in a
4 different paper in Wyoming recently.

5 I just wanted to say that pretty soon assumptions
6 start happening. Randall Atkins made a statement in the
7 Sheridan Press April 24, 2020. He stated, and I quote, The
8 organization PRBRC, which is Powder Resource Council and
9 its supporter simply don't like the industry. That's not
10 true. He has never met the landowners. He doesn't know
11 what our backgrounds are. I came from a coal mining
12 family. My grandfather, my father, my brother, they've all
13 been in the coal mines. Does that mean I'm against coal?
14 I don't think so. So he doesn't know what he's saying, and
15 don't put a statement out for me.

16 Ramaco has stated that their private funding --
17 they haven't taken any private funding. But like somebody
18 mentioned, yes, they've received millions of dollars from
19 federal funding for their project.

20 But what kind of taxes do you expect to receive
21 from this private land, private company, what kind of taxes
22 do you think are going to support the state -- or how's it
23 going to boost your economy?

24 Someone talked about the heavy equipment that's
25 going to be driving on the highways. And, yes, that's a

1 concern of mine too. We already have plenty of, you know,
2 semis on the highway, but if you're moving equipment from
3 over by Big Horn Coal and have to move it back and forth on
4 the road, it's -- that's not a good scenario.

5 Anyway, last year there was a presentation made
6 by Ramaco to the Minerals Committee at a legislative
7 session. And they talked about the iCAM project. And they
8 talked about this building that was going to be put up, and
9 it was going to be finished by the end of March of 2019.
10 That building was started -- they brought the red iron in
11 for it sometime last year. It was -- and then it flooded.
12 That area flooded down there because when the -- the runoff
13 came down the Tongue River from the mountains, it flooded
14 that area. We've got pictures of it.

15 They started building their building probably
16 late fall, early winter, somewhere in there. The building
17 is still not finished. And I know Gillian mentioned it
18 went from 10,000 square feet to 6,000, and back up to
19 10,000 square feet. Why are all these changes? What
20 prompted the changes? Those are the kinds of questions we
21 would like to ask and get answers to. And we don't seem
22 to -- you know, we don't seem to be able to get very far
23 with it.

24 So how serious is Ramaco about this venture? Is
25 it a way that they're able to use federal funding and say,

1 hey, we started our building. We don't have it quite
2 finished. But when you listen to some of their reports,
3 they act like they're currently doing research down there.
4 They are not doing research.

5 And I heard some of the -- you know, seen some of
6 the articles that they've written, and they act like it's
7 a -- it's going. It's -- but it's not. You should go down
8 and take a check.

9 Anyway, I would like to say in closing it seems
10 like there is no sense, economically or logistically with
11 this company. You know, talk is cheap, but actions speak
12 louder.

13 So anyway, again, I would like to thank you for
14 the opportunity to get up here and say my piece, and thank
15 you very much. Do you have any questions?

16 DIRECTOR PARFITT: No, I don't have any
17 questions right now. I do want to just point out, you had
18 mentioned you wanted your April 8 correspondence to be part
19 of the record, and it is. We do have that. So thank you
20 for that.

21 MS. TELLEZ: Thank you.

22 DIRECTOR PARFITT: And thank you for your
23 oral statements today. I appreciate that.

24 MS. TELLEZ: Okay. Thank you.

25 DIRECTOR PARFITT: Okay. So -- let's see.

1 I wanted to just wrap back around and see if James Aksamit
2 was present and -- or I think there was some indication
3 that you were not going to be providing an oral statement.
4 And so in the remaining time -- or that period of time
5 would then be available at the end of the informal
6 conference. So just wanted to check if James is there?

7 MR. GUILLE: He's off. Doesn't look like
8 he is.

9 DIRECTOR PAREFITT: Okay. So then we'll
10 have opportunity if James does show up.

11 So I'd move onto John Buyok, and then Anton Bocek
12 will be up after that.

13 MR. BUYOK: I am just going to read my
14 comments today. And I have them written out. I'll give a
15 copy to Mark so that he can give it to the court reporter
16 to make it easier for her.

17 Thanks for the opportunity to speak to you today.
18 I'm not going to reiterate all my comments. And I've
19 commented three times before with no discernible effect,
20 but I do want to mention two things. In my comments I
21 mentioned house well. The well is located about 20 feet
22 outside the half-mile boundary outside the permit boundary
23 is Brook Mine. So the effects of the Brook Mine on the --
24 are apparently not relevant to anybody but us.

25 There was a lot of discussion at the EQC hearing,

1 but all of that is apparently gone by the wayside, even
2 though the current drawdown map from the model before it
3 was edited to remove the 2-foot and 1-foot concur interval
4 showed that our well would be affected by mining.

5 I still don't see any mention of the effects of
6 blasting on surrounding previously mined lands, which is
7 ours, or what would happen if blasting by Brook Mine
8 accelerated subsidence on those lands. This is
9 particularly a concern, since Ramaco won't allow the AML
10 program to use their subsidence mitigation methods that
11 prevent promulgation of the subsidence.

12 I've been told that Ramaco claims that they will
13 re-mine the mined out and collapsing seams. And they don't
14 want the AML contractors to put anything solid in those
15 seams that might damage their equipment.

16 As a result, we have a subsidence hole currently
17 opening up about 20 to 25 feet away from one the AML
18 program filled in last summer. Maybe the State thinks it's
19 a good idea to spend money on the same holes over and over
20 in order to placate Ramaco in their obviously unworkable
21 plans, but it seems like a waste of resources to me.

22 That's all I have today. Thank you.

23 DIRECTOR PARFITT: Thank you, John. I do
24 have one question for you. At the beginning of your
25 statement you, I think, mentioned the distance between the

1 proposed permit boundary and your well. Can you tell me
2 what that distance would be?

3 MR. BUYOK: Well, we're just 20 feet
4 outside the half-mile boundary, outside the permit
5 boundary. So we're half mile plus 20 feet outside the
6 permit boundary, and so we don't fall in the area where,
7 under rules and regulations Ramaco has to provide pre-blast
8 surveys or any other information to us.

9 DIRECTOR PARFITT: And you also mentioned
10 is that the Abandoned Mine Program did some reclamation of
11 a subsidence near your home?

12 MR. BUYOK: Yes. Uh-huh.

13 DIRECTOR PARFITT: Okay. And in that --
14 that -- is that project done for that particular event?

15 MR. BUYOK: Pardon me? I didn't hear that.

16 DIRECTOR PARFITT: I'm sorry. Does the AML
17 project to reclaim that subsidence area near your home, has
18 that been completed?

19 MR. BUYOK: It's -- it's been ongoing.
20 That particular hole has been filled in, but there's others
21 that have opened up. And as I mentioned, there's one that
22 is currently opening up just, you know, a few feet away
23 from the one that they worked on last summer.

24 DIRECTOR PARFITT: Yeah. Okay. All right.
25 So thank you, John. Appreciate the oral statement. And we

1 do have your written statement.

2 All right. I'm going to just ask -- before we go
3 to Anton, I want to ask Kathy Kendrick if she needs a break
4 or good for going -- continuing on.

5 That's a thumbs up. Okay. So we'll hold off on
6 taking a break, then. Just wanted to be mindful of that.

7 Okay. So next up, then, is Anton Bocek, and then
8 that would be followed by Jordan Sweeney.

9 MR. BOCEK: Good morning. I'm Anton Bocek.
10 And thanks again for taking time to let us voice our
11 opinions.

12 I live at Slater -- 11 Slater Creek Lane, is
13 where my home is. I'm also a member of a family farm at
14 25 Monarch Road in Ranchester. Both are within the half
15 mile of the first phase of the proposed Brook Mine.

16 My property is .17 miles of the mine, and the
17 family farm is .3 miles. This close proximity to the mine
18 with this proposed blasting is a great concern to me and my
19 family. Both properties have water wells used daily for
20 domestic use, and should the blasting cause turbidity or
21 loss of water, I would need a written guarantee that I
22 would have water delivered immediately and the wells
23 redrilled at Ramaco's expense.

24 My 500-foot well has been used without incident
25 for 42 years. I don't need any arguments or lengthy court

1 proceedings in order to have water in my home should my
2 well become unusable because of mine activities.

3 I've asked for pre-blast survey for both
4 properties, and have qualified for such a survey, but I
5 would remind your office of this request. The family farm
6 has a 100-year-old rock barn and cellar, both of which are
7 in use that need included in that survey. And I would
8 request reduced ground vibration on blasting.

9 After taking a mine tour of the proposed strip
10 mine and highwall mine, I have questions and concerns about
11 both. The proposed strip mine at Taylor Quarry, all the
12 drainages are running downhill to Slater Creek. Is there
13 a -- a sufficient plan to keep the sediment from draining
14 into this creek? I don't believe that fresh berms of dirt
15 and silt fence would be enough, especially if we have
16 another spring like we did in 2019. Any contaminants would
17 end up in Tongue River.

18 I would ask that blasting be limited to Monday
19 through Friday. There's no need to blast on weekends for
20 such a small mine that has, at this time, no customers
21 except the iCAM research facility, which will only take a
22 small amount of coal.

23 Does Ramaco know where the old underground mines
24 are in this area? There are sinkholes from these mines
25 along the road past the scale house of Taylor Quarry. More

1 of these were used on top of the hill near the strip mine
2 in years past for dumping grounds. If the coal is moved by
3 trucks, what sort of safety precautions will be used on the
4 two-lane highway, Highway 345, which is also used by
5 slow-moving farm equipment, as this area all the way to
6 Ranchester is agriculture land?

7 Where will the water come from for dust control?
8 Water is a precious commodity in this area.

9 Concerning the highwall mine at Hidden Water, I
10 worked at Big Horn Coal for 14 years, and Big Horn Coal's
11 Pit 5 mining dumped overburden in a ravine north of the
12 proposed mine. This ravine was a literal fire pit from the
13 old underground mines. What guarantees us there is no
14 fumes or fires from this proposed mine that are still
15 burning?

16 I have my -- my statement or my letter that I
17 sent to you in April. I'd like to have that on -- make
18 sure you have that on record as well. And just in closing,
19 I'd like to ask you and any of the members of Ramaco,
20 wouldn't you be concerned if you were living where I live
21 and ask these questions and want everything -- our air and
22 our -- our quality of life not change by their mining
23 operations? I don't plan on moving, so I'd like to keep
24 everything the way it is. Thank you.

25 DIRECTOR PARFITT: All right. Thanks,

1 Anton. And we, indeed, do have your written comments dated
2 April 5th, I believe.

3 MR. BOCEK: Okay.

4 DIRECTOR PARFITT: Yeah, and they're part
5 of the record. So thank you for that.

6 MR. BOCEK: Okay. Thanks.

7 DIRECTOR PARFITT: Okay. Next up is Jordan
8 Sweeney with Big Horn Coal.

9 MR. SWEENEY: Good morning. Can everybody
10 hear me?

11 MR. GUILLE: We can, Jordan. And, Jordan,
12 did you want to share your video or anything like that?

13 MR. SWEENEY: Do you have the additional
14 slides that I sent through, Keith?

15 MR. GUILLE: I do. And if you want me to
16 share that, I will share that as our screen. And hopefully
17 we'll have it. Just bear with me for just a sec. Okay?

18 MR. SWEENEY: Yeah.

19 Thank you, Director Parfitt, and Deputy Director
20 Edwards for giving us this opportunity to have this
21 informal conference. I would just like to go through a
22 couple of objections that Big Horn had after review of the
23 Ramaco or Brook Mine application post-round 12 comments
24 with the DEQ.

25 Additionally, we have Keith Burron representing

1 Big Horn Coal as well on the line. He is muted, but if he
2 could raise his hand if he would like to comment or further
3 comment on anything that I may say throughout this
4 presentation, that would be great.

5 We also have Dean Brockman, general counsel for
6 Lighthouse Resources, our parent company of Big Horn Coal.
7 He is also on the line, but plans to stay muted at this
8 time.

9 If we can get started. During review of the
10 Brook Mine permit, I noted for Objection Number 1 of Big
11 Horn, you can see it on the slide here, is the surface
12 owner protection bond for Big Horn Coal. This was last
13 updated 2015, according to the Volume 1 Adjudication Binder
14 1 of 3.

15 The exhibit or Figure 1 associated with that
16 surface owner protection bond shows the historic TR-1 area,
17 along with additional disturbance for sedimentation ponds
18 around the Big Horn shop facility that you can see in the
19 red square there.

20 This area has been updated in the new mine plan
21 that has been proposed after round 12 comments, and these
22 pits and disturbances are no longer shown on the mine plan.

23 So my question to DEQ is is this surface owner
24 protection bond still valid? You can see that coal year
25 zero at the top of the left-hand side of the page, surface

1 damage bond summary for Big Horn Coal for year zero. Year
2 zero does not occur in this area in the new mine plan? So
3 will this be updated is the question, and will there be a
4 surface owner protection bond for Big Horn Coal in years 6
5 through 10? Is that required to be posted now, or will
6 that be posted year 6 through 10 if that were to occur?

7 Let's go to the second slide, please. So
8 Appendix D-1, which is land use found inside the Brook Mine
9 permit. There's discrepancy shown within the Big Horn
10 surface area that it shows as dual land use upon Big Horn
11 surface as recreational and agricultural purposes. That
12 area is that cross-hatched with orange 45-degree angle is
13 not, to my knowledge, my look through records of Big Horn
14 Coal, recreational area. That is a misuse of -- mislabel
15 of recreation in that area.

16 Also, to further point out that inside the main
17 BNSF rail loop, there is an area called the Playcheck Pit,
18 and that is an historic AML project that was slated to
19 begin in 2011, 2012. That was a \$5 million AML project
20 that was not allowed to move -- go forward due to the
21 mineral owner, which is Ramaco coal. They did not allow
22 that project to continue. So still today, the highwall
23 that's left there from historic Big Horn mining prelaw is
24 deteriorating, as well as coal fires are continuing in the
25 highwall going to the south.

1 Additionally to this land use exhibit, the
2 present industrial commercial land use for Big Horn surface
3 was omitted. In 2018 Big Horn Coal received approval of
4 approximately 44 acres of industrial land use around a shop
5 area, as well as around its historic loadout facility area
6 located north and east of Tongue River Stone's quarry, as
7 you can see on this map.

8 Page 3. Thank you.

9 So associated with Big Horn Coal's Objection
10 Number 3, you can see the sections of the mine plan
11 identified here. The question that arises from Big Horn is
12 what is the need and purpose for 240-plus acres of surface
13 disturbance around the Big Horn shop and facility area,
14 historic loadout, and rail spur for years 6 through 10? To
15 us this seems unclear, given the previous mine plan that
16 did have an active pit shown as the historic TR-1 in this
17 area south of the Big Horn shop. There is no mining
18 contemplated at this time. So what is the need for this
19 surface disturbance for 300-plus acres? 240 plus acres?

20 After additional review, we have a facilities map
21 in the lower left-hand corner shows potential laydown areas
22 or staging areas south of the river and south of the
23 current proposed mining areas. I did a quick summary of
24 what the laydown area is for NARM and Black Thunder are,
25 and Black Thunder has approximately 32 acres associated

1 with their laydown areas, and the total of facilities
2 disturbance of 145 acres in reference to the shop, loadout,
3 and sewage lagoons, et cetera, parking areas, stuff like
4 that.

5 NARM has approximately 108 acres of facilities
6 disturbance for the shop, loadout, and associated parking
7 areas, and total disturbance of 45 acres for the laydown
8 area.

9 So I question what is the need for three -- 240-
10 plus acres of disturbance in relation to a 250,000 to a
11 400,000 annual tonnage output for the Brook Mine?

12 Additionally, as you can see in table -- for mine
13 Plan 1-1, the annual surface disturbance located under the
14 facilities description with a sub -- or superscript 1. So
15 facilities disturbance includes disturbing acreage caused
16 by buildings, roads, diversions, and stockpiles. So in
17 years 6 through 10, there's 284.8 acres for facilities
18 disturbance. However, there's no buildings, roads,
19 diversions that have been identified on the map-1 for
20 facilities in this area. Again, why is such disturbance --
21 potential disturbance needed in this area?

22 If you go to the same page, the top right-hand
23 corner, Table Mine Plan 4-1, Topsoil Volume Removed Over
24 Life of Mine, I snipped out topsoil-1 stockpile, which
25 would be located inside the current Big Horn industrial and

1 commercial use area, as well as on top of the access road
2 that goes into the shop and operations for Big Horn. The
3 volume stockpile in this topsoil, TS-1, pile totals 532,000
4 yards.

5 So the area of 235 acres is going to -- you're
6 going to strip 532,000 yards. Topsoil removals stated in
7 superscript number 6, only required if disturbance is
8 planned in the area. So, again, I ask a question, what is
9 the plan for disturbance in this area? Is this whole 240
10 acres going to be disturbed? And if so, what is it going
11 to be disturbed and utilized for?

12 Slide Number 4, please.

13 So Objection Number 4 went to some of the
14 previous statements made by commenters. There are active
15 subsidence and active fires currently on the Big Horn
16 surface, and particularly adjacent and on top of the
17 current TR-1 proposed pit north of Tongue River. You can
18 see the red areas are identified as underground fires that
19 are mapped from the Monarch mine, which is Acme Number 1,
20 which is north of Tongue River.

21 And, additionally, you can see the green polygon
22 on top of the red that was previously alluded to, that's
23 where Big Horn Coal piled the million-plus yards to attempt
24 to suppress the underground fires, as well as reduce the
25 subsidence in that area. You can see here that there are

1 couple of different shaded -- or lined polygons. The blue
2 line lines the proposed Ramaco permit area, and the purple
3 line that intersects where the red and green meet is the
4 current Big Horn Coal permits boundary.

5 Big Horn Coal still has a reclamation liability
6 for approximately \$700,000. It is a concern for Big Horn
7 that if this TR-1 area were to be mined, that highwall
8 mining in the Carney and Master seam below the Monarch
9 could potentially lead to additional subsidence and
10 re-ignition of coal fires from historic Acme Mine in the
11 Monarch seam.

12 The question here is if there is additional
13 subsidence or off-site impacts upon Big Horn Coal's surface
14 as a result of the highwall mining and the trench mining of
15 TR-1, who is responsible? As I indicated earlier there's
16 current subsidence going on in Section 10, north of the
17 TR-1 proposed area, and it will be difficult to
18 differentiate between current subsidence and potential
19 future subsidence from this highwall mining area, and who
20 would be responsible for bonding that and/or reclaiming
21 that on Big Horn surface.

22 Let's go to the last slide, Big Horn Objection
23 Number 5.

24 Again, this alludes to the surface mining
25 activities near underground mine Section MP-15, Addendum

1 MP-6. Addendum MP-6 is subsidence control plan.

2 I found an error in addendum MP-6, page MP-6-9,
3 the last paragraph there regarding material damages to
4 surface owners. It ends right there in the last sentence
5 of -- well, regardless of its right to mine, to subside the
6 surface, the operator acknowledges that if subsidence due
7 to its mining operation causes material damage or reduces
8 the value of reasonable foreseeable use of surface lands,
9 the land -- and then it goes into the next section
10 directly, MP-6-5 references on the next page, MP-6-10.

11 So to the right you can see additional --
12 additional maps in the Brook Mine permit historic Acme
13 Mine. Number 1, which is to the north, and covered in the
14 blue highwall mine trench area, as well as Acme Mine Number
15 2 to the south. And then the green-hatched polygons are
16 the open pit Dietz Coal Mining of Big Horn Coal that
17 occurred in the past.

18 You can see the proximity of the trench mine
19 being proposed in the highwall mining panels being proposed
20 to both Acme mines. Again, the question is how subsidence
21 and surface disturbance outside of Ramaco's permit -- or
22 inside Ramaco's permit upon Big Horn surface will be
23 addressed during mining and into the future.

24 The last point I'd like to bring up is the
25 current order in lieu applicability. The Brook Mine

1 received an order in lieu because Big Horn has not agreed
2 to the overlapping permit issue. It also contests the
3 validity of a 1954 deed. So Big Horn and Brook went to the
4 EQC, and Big Horn -- or Brook was granted an order in lieu.
5 That order in lieu was over regarding the previous mine
6 plan that was submitted back in 2012. The question for Big
7 Horn right now is does that order in lieu apply to the
8 previous mine plan, as well as the future mine plan?
9 Because the previous mine plan, again, going back to my
10 first page, has a proposed pit south of the Big Horn shop
11 with additional disturbance in that area.

12 And if Keith doesn't have anything else, that is
13 the end of my comments.

14 DIRECTOR PAREFITT: All right. Thank you --
15 thanks, Jordan. I just wanted to point out that we will
16 make those slides that you provided available to the
17 public.

18 So they'll probably, Keith, I think go up on our
19 website. Would that be correct?

20 MR. GUILLE: Yes.

21 Do we want to ask Keith Burron if he has any
22 statements?

23 Keith, I do have you live. Do you have any
24 additional comments.

25 MR. BURRON: Thank you, Keith. Can you

1 guys hear me all right?

2 DIRECTOR PARFITT: We hear you fine.

3 MR. BURRON: Great. No, I don't have
4 anything to add at this point. Would just reiterate in
5 addition to what Mr. Sweeney presented today, you should
6 also have Big Horn's written comments received earlier
7 during the public comment period. And then we're obviously
8 very interested to hear the rest of the presentations today
9 and would hope that we have an opportunity, you know,
10 towards the end if we need to, to come back and say
11 something, if that's appropriate.

12 DIRECTOR PARFITT: Okay. Thanks, Keith.
13 And, yeah, we'll see how much -- how we're doing on time
14 when we get to the end of the day here. And then, just to
15 confirm, we do have the April 23rd comment from Big Horn
16 Coal.

17 So all right. So it's -- it's 10:43. Is
18 Priscilla Dillon -- are you -- are you on the system yet?

19 MR. GUILLE: Yep. She sure is. She is
20 unmuted now.

21 DIRECTOR PARFITT: Okay. Priscilla, if
22 it's okay with you, I'd like to turn it over to you for
23 your oral statement, and I think that will take us pretty
24 close to 11:00.

25 MR. GUILLE: Priscilla, did you want to

1 share a video at all?

2 MS. DILLON: No. Oh. I mean, I -- I --
3 you can -- do you want to see my face, is that --

4 MR. GUILLE: It's up to you. We certainly
5 don't want to make you.

6 MS. DILLON: I think it has more power. I
7 definitely could not -- I'm in virus mode at home, so I'm
8 not dressed up the way you guys are. But I'd be happy to
9 do that. I'm not quite sure what to do to do that.

10 MR. GUILLE: Okay. Just bear with me. I'm
11 going to try to make you a different level here so we can
12 have you share your video camera. Okay?

13 MS. DILLON: All right. Share my webcam.
14 Oh, there I am. Just a minute. Can you see me now?

15 MR. GUILLE: We can. Thank you.

16 DIRECTOR PARFITT: Go ahead.

17 MS. DILLON: Okay. Keith, thank you.
18 You're the one that I've been in touch with. And thank you
19 to the others. I was not on first thing this morning. I
20 don't know who all the participants are, and I don't need
21 to. I do see some Tongue River folks that I'm familiar
22 with and know.

23 I really appreciate the opportunity to be able to
24 speak. I am not a native, but I've lived in this community
25 for 50 years, and I appreciate it. Sheridan's not perfect,

1 but it's pretty cool, and there are a lot of factors that
2 contribute to that positive environment and community.

3 One point I want to share. I was a teacher for
4 decades. And it was mostly at the high school level. And
5 as a teacher, you run into all sorts of personalities, and
6 you have the very serious students who take their
7 assignments seriously and -- from the beginning, and they
8 do it well. And you love those students, because they're
9 honoring what you're doing. You're trying to make them
10 capable of moving to the next level, which is basically
11 asking for permission to move to the next level, a little
12 bit similar to DEQ's process of permitting.

13 There were students who ran -- you know, who got
14 by with as little as possible. And within that group
15 there -- and in between there would be kids who were gaming
16 the system. And we all know people like this. You know,
17 who -- who do we know who could do what they should and
18 they could do a really good job, but they just don't, for
19 whatever reason. They might butter up the teacher or try
20 to butter up the teacher. Usually they'll get enough done
21 to pass the class and be able to get that credit.

22 I think businesses are very similar, because
23 businesses are made up of individuals. And there are
24 businesses -- and we have a lot in Sheridan -- who are very
25 serious about honoring the community, taking any permitting

1 process very seriously and doing those permits, going --
2 going through the hoops, whether it be in the city or the
3 county, with integrity and with the intention of honoring
4 what the community has decided is best for them.

5 There are also businesses -- and we've seen some
6 come and go -- that kind of want to just get by. And some
7 of those businesses also try to -- you know, an anal --
8 having an analogy of buttering up the teacher, they butter
9 up local individuals who may be perceived to have some
10 influence within the community.

11 As I followed Ramaco's process over the last
12 several years, I feel like Ramaco seems to be one of those
13 "others." There's been a lack of intention from the
14 beginning of honoring this permit process, honoring the
15 neighbors. It's been slipshod. The first permit could
16 have been done completely and adequately, and it was not.

17 Neighbors could have been honored. You know, if
18 you move into a new neighborhood, especially one with
19 environmental issues that affect your livelihood and
20 your -- you know, the underground mines that have been
21 there -- I mean, just listening to a couple of the
22 neighbors in the Tongue River Valley speak, and also
23 listening to the Big Horn Mine, I am astounded and
24 horrified at the number of questions that are still
25 unanswered.

1 I'm happy to have new business in Sheridan.
2 There are many who would like Sheridan to stay stuck in the
3 past, and we can't. We're not going to be able to. But I
4 want businesses that have integrity, that honor their
5 neighbors, and that care about the community of Sheridan,
6 that are not just -- maybe Ramaco is -- is not a
7 fly-by-night, but I tell you what, I don't get that
8 feeling.

9 And, yeah, I guess -- I guess that pretty much
10 completes. I was kind of working on my -- how I was going
11 to say this, and I came up in the process a little bit
12 earlier than I anticipated. And if anybody -- I don't know
13 whether you want to ask me questions or whether that's part
14 of the process. But I guess I'm horrified. I don't look
15 forward to having Ramaco as part of my community. I know
16 the people who know some of the higher ups, and it seems to
17 me that there's playing the system going on. Let's make
18 friends with these people in the community who are
19 important so that I can get -- move forward in the process.

20 If they plan to do so with the intention of doing
21 it right and with integrity, why not do it right the first
22 time? Why not answer all those questions that Big Horn
23 Coal have and that the neighbors have? So I -- I --
24 that's -- I'll stop there.

25 DIRECTOR PARFITT: Thank you, Priscilla. I

1 appreciate that. I can appreciate. My wife's a teacher,
2 so I understand. I hear about the -- her dealings all the
3 time with students.

4 Anyway, so I appreciate you taking the time. I
5 appreciate your oral statement. So thank you.

6 MS. DILLON: All right. Thank you very
7 much.

8 DIRECTOR PARFITT: Okay. So it is a little
9 bit before 11:00. What I would suggest that we do is take
10 a 10-minute break, just to give Kathy a bit of a breather
11 here on the transcribing, and we can all take a quick
12 break.

13 And then what I'd like to do is, when we come
14 back, is start with Shannon Anderson with the Powder River
15 Basin Resource Council. And then if we run a little bit
16 long past the noon hour, I think that would be fine. But
17 that way we'll have plenty of time in the afternoon to hear
18 from Brook, and then any additional opportunities if
19 there's any follow-up statements that need to be made.

20 So let's take a break. We'll plan on coming back
21 right at 11:00 and starting up with Shannon. Okay.

22 MR. GUILLE: Okay.

23 (Informal conference proceedings
24 recessed 10:52 a.m. to 11:00 a.m.)

25 DIRECTOR PARFITT: Okay. So we're back.

1 And what I'd like to do now is turn it over to Shannon
2 Anderson with PRBRC.

3 Shannon, are you on?

4 MS. ANDERSON: Yeah. Hi, Todd. I am here.

5 MR. GUILLE: Shannon, this is Keith. Did
6 you want to share your video camera?

7 MS. ANDERSON: Yeah, if that's possible.

8 MR. GUILLE: It should be. Just give me a
9 few seconds here.

10 MS. ANDERSON: Okay. Hi, good morning.

11 MR. GUILLE: Good morning.

12 DIRECTOR PARFITT: Good morning. Shannon,
13 just to let you know, if we run a little bit after the noon
14 hour, that's fine. And then if there's a need to continue
15 after the lunch hour, consider that too.

16 MS. ANDERSON: Okay. Great. Here's how
17 our Powder River Basin Resource Council presentation will
18 go. I'm going to give some overview remarks of our
19 objections, and then I'm going to turn it over to our two
20 subject matter technical experts, Dr. Marino and Mr.
21 Wireman, who hopefully will be able to at least speak, if
22 not have video for them as well. And then Ms. Morrison,
23 who is in the room at DEQ, may provide some final comments.

24 I hope DEQ gives us some latitude in our
25 presentation, as we did not have the benefit of being in

1 the same room to prepare, so things may be a little bit
2 more haphazard than they normally would be in our
3 presentation. So thanks for the flexibility, and I hope
4 this all works out.

5 As you've heard this morning from the landowners
6 in the area, this is a tremendously important area for
7 Sheridan County, for the state of Wyoming, and, arguably,
8 the nation.

9 We have tremendous member interest in that area,
10 both -- you know, we have members who live out there. We
11 have members who ranch and do ag work out there. And we
12 have a lot of members who recreate out in the area. And
13 with that, we have chosen to invest organizational
14 resources to protect the quality of life of our members who
15 live, ranch, and recreate in the Tongue River Valley. And
16 like many of our members, I personally really enjoy that
17 area. My entire life here in Sheridan County I have
18 traveled along the Tongue River. I've hiked in that area.
19 You know, go out for a peaceful Saturday afternoon in
20 Kleenburn. You enjoy the beauty of the river, of the
21 wildlife, the scenery, the mountain vistas. It's such an
22 important area for our county, and I just wanted to make
23 sure that is expressed by myself and our organization this
24 morning.

25 It's also an important area with a lot of

1 history, including a history of mining, as you've heard
2 this morning. And as Dr. Marino will soon explain, what we
3 don't want is for the history of subsidence and mine
4 collapse to become the area's future.

5 Our organization submitted written comments. And
6 our comments today are intended to supplement and clarify
7 our written submission. We also submitted written
8 objections in January 2017. And as, you know, we have been
9 involved in a lengthy appeals process ever since, which
10 still continues today before the Wyoming Supreme Court.

11 And that brings me to our first objection, that
12 DEQ violated the Environmental Quality Act by not requiring
13 Brook to resubmit its permit application under Section
14 406(f) of the Environmental Quality Act. So Section 406(p)
15 of the Environmental Quality Act dictates that once a
16 hearing is held and the EQC issues its order, the mining
17 permit should be issued or denied 15 days after the order.

18 Following the EQC's decision, the original Brook
19 Mine permit application was denied under 406(p). And the
20 EQC's order and DEQ's denial of the application was not a
21 "deficiency notice" under Section 406(h). It was a denial
22 under Section 406(p).

23 And the Environmental Quality Act speaks directly
24 to the case at hand in subsection 406(f), when a company
25 resubmits an application. This is exactly what the EQC

1 order told the Company to do, "revise" and "resubmit."
2 Therefore, DEQ should have followed the process under
3 subsection 406(f), which requires the 60-day completeness
4 review period of the resubmitted application, similar to
5 subsection 406(e) for new permits. And after the
6 completeness review, the process is the same as new
7 applications, but the requirements of subsections 406(g)
8 through (p).

9 DEQ did not follow this process. Instead it
10 treated the EQC order as round 7 of technical review under
11 subsection 406(h). As we discussed in our written
12 objections, unfortunately, proceeding with a process that
13 is outside the scope of the Environmental Quality Act
14 rendered any subsequent permit decisions illegal. And
15 agency actions taken without legal authority are subject to
16 vacatur, which is what should happen here.

17 Additionally, we have ongoing concerns that since
18 Brook is still challenging the EQC order before the Wyoming
19 Supreme Court, the authority of that order, as it applies
20 to the permit application before the agency, remains in
21 question. And we ask DEQ to clarify the agency and the
22 applicant's positions on the validity of the EQC order in
23 the decision on the permit application.

24 I would note also today that today's comments
25 really underscore why this procedural deficiency matters.

1 The DEQ started its review from round 7 and didn't go back
2 and take a big picture look at the entire permit
3 application, as it would have been from round 1. And that
4 matters for everything from the adjudication binder going
5 forward through the 12 volumes of the permit application.
6 Coal seam fires, surface access, and issues with the
7 overlapping permit with Kleenburn coal, traffic, and other
8 issues were not considered in rounds 8 through 12 of DEQ's
9 review because they were not a part of the EQC decision.

10 So, again, this procedural deficiency had real-
11 world consequences. And the only way that DEQ is going to
12 remedy this, unfortunately, is to go back and have Brook do
13 what it should have been, which is resubmit its permit
14 application following the EQC order.

15 And as we wrote in our written comments, we put
16 DEQ on notice of this at the very beginning after the EQC
17 decision, and no one can claim ignorance of this procedural
18 flaw.

19 The next objection that we have is the permit
20 application's failure to disclose coal mine operators. It
21 was confirmed on last week's mine tour by Jeff Barron that
22 Brook has been speaking with several potential contractors
23 to carry out the mining operations. However, at this time,
24 the Company does not actually have a contractor selected.
25 We believe the permit application cannot be approved until

1 it is known and disclosed what company will actually be
2 doing the mining and until the owners and controllers of
3 that company are ran through the applicant violator system.

4 As we discussed in our written objections and in
5 previous correspondence to DEQ, Chapter 2 of the coal
6 regulations require complete indemnification of the names,
7 addresses and telephone numbers of any operators if
8 different from the applicant. This is a requirement of the
9 permit application, not something that can be filled in
10 later. And the permit application is deficient until this
11 information is provided.

12 Next we raise an objection about the permit
13 application not being complete because it fails to include
14 all coal hauling, processing, and upgrading facilities. As
15 you know, the Environmental Quality Act defines surface
16 coal mining operation to mean surface lands where surface
17 coal mining activities take place, and or surface lands
18 incident to underground coal mining activities. It also
19 defines surface coal mining operations to include any
20 adjacent land, the use of which is incidental to any of
21 these activities. All lands affected by the construction
22 of new roads or the improvement or use of existing roads to
23 gain access to the site of these activities and for
24 haulage, processing areas, shipping areas, and other areas
25 upon which are sited structures, facilities, or property or

1 materials on the surface resulting from or incident to
2 these activities.

3 In the case of the Brook Mine, there's a good
4 portion of roads and facilities that are adjacent and
5 incidental to the coal mining pits and highwall mining
6 areas that are not included in the permit application. For
7 instance, it was confirmed last week on the mine tour by
8 Jeff Barron that the primary haul road from the first
9 mining area to the company's processing facilities will be
10 the state highway, that Highway 345, which was mentioned
11 earlier by Mr. Bocek.

12 The Company will also use county roads for
13 hauling and coal mining related transportation to and from
14 the proposed iCAM and iPark facilities. As explained in
15 our written objections, these roads and facilities are part
16 of the proposed surface coal mining operation and must be
17 included in the permit application for review by the DEQ
18 and the public.

19 A permit boundary isn't supposed to be an
20 arbitrary drawn line. It's supposed to be a line drawn
21 around all coal mining operations, especially haul roads,
22 facilities and anything directly related to or caused by
23 the mining operations. Here it is being used to
24 arbitrarily exclude coal mining operations that, by
25 definition, must receive state SMCRA permits. This is

1 important for regulatory enforcement purposes, but it is
2 also important for DEQ to be able to review the proposed
3 transportation and facility plan to ensure proper setbacks
4 such as the hundred-foot setback from a public right-of-way
5 and the 300-foot setback from homes and other buildings.
6 How can using a public right-of-way for coal mining
7 activities comply with this required buffer? How has DEQ
8 evaluated the use of these public roads?

9 And, again, this kind of goes back to the issue
10 of not starting with round 1, but starting with round 7,
11 and that has been a real problem for all of these other
12 issues that were not a part of the EQC order.

13 Relatedly, information in the permit application
14 regarding the traffic plan remains sorely deficient. The
15 mine plan does not estimate truck traffic, disclose any
16 impacts to public or private roads used by the public, and
17 does not include a traffic plan or any agreements with
18 Sheridan County or the Wyoming Department of Transportation
19 on road use repair and compensation.

20 Our next objection is the mine plan in the permit
21 application is not actually a plan, but rather a plan to
22 make a plan. It is not right sized for the demand for the
23 coal, which, as we understand it, is only a small amount of
24 coal for the proposed processing facilities. Without an
25 accurate mine plan DEQ will be unable to enforce, the

1 Company won't be able to implement it, and the public won't
2 be able to understand what is happening or what should
3 happen at the mine site. A more accurate mine plan, right
4 sized for the amount of coal production that will actually
5 occur, will result in the company being a better neighbor.

6 As we discussed in our written comments, Ramaco's
7 facilities are highly dependent on government funding,
8 technology breakthroughs and other unknowns that make them
9 speculative. The Company has not provided any
10 justification for its 39-year proposed mine life, and/or
11 the amount of coal it proposes to mine. At the very least,
12 only the initial period of the mine should be permitted,
13 which will limit the speculation contained within the
14 permit.

15 Our next objection centers around impacts to the
16 area's very important recreation areas, including walk-in
17 areas and conservation easements. I refer DEQ to Exhibit
18 D1.1-1, which Mr. Jordan Sweeney actually earlier
19 displayed. It's in the permit application, and it's a map
20 of the permit area overlaid with recreation areas. The map
21 shows that approximately half of the permit area has
22 important recreation areas. While the permit application
23 discloses that these two walk-in areas for hunting and
24 recreation are within the permit boundary, it does not
25 discuss how the use of these areas will be impacted by

1 mining operations, nor does it establish a plan to mitigate
2 any impacts.

3 Additionally, the proposed mine and associated
4 industrial park and iCAM is located within eyesight of the
5 Kleenburn recreation area, an area frequently used for
6 recreation activities, including fishing, picnicking, and
7 hiking. Again, the permit application fails to mitigate
8 any impacts to recreation use in the area.

9 We echo the comments received by you from Game &
10 Fish to ask that the DEQ right-size the permit boundary to
11 limit impacts to recreation areas. A solution could lead
12 to limit mining to that first five-year term of the permit,
13 and then only that area would need to be fenced or
14 otherwise cut off from public use through the initial
15 permit term.

16 After that, if the Company wants to come back and
17 amend its permit to include other areas, then it could do
18 that with a permit modification. This would allow
19 additional public notice and comment on areas that would be
20 cut off from public use at that time.

21 The solution is also consistent with the solution
22 for the deficiencies and subsidence in hydrology that
23 Dr. Marino and Mr. Wireman will speak to in a moment.

24 Because of the widely used recreation areas in
25 close proximity within permit boundary, we also ask DEQ to

1 prevent blasting on the weekends. We think that is
2 entirely reasonable, and could be an effective permit
3 condition.

4 On water rights and use of the Tongue River, we
5 echo the comments/concern raised by the Tongue River Water
6 Users Association. Again, the mine plan must be more than
7 a plan to make a plan when it comes to water rights. As we
8 discussed in our written objections, this is particularly
9 important because if the mine is unable to acquire surface
10 water rights, which may be very likely because of the
11 complex issues you heard today from Mr. Hayes, it will be
12 forced to use more groundwater, putting additional stress
13 on the aquifer systems and potentially impacting nearby
14 water wells. None of these hydrologic impacts are
15 disclosed or analyzed in the permit application or the
16 Department's CHIA.

17 In the interest of time, I won't go through the
18 rest of our written objections, but we ask DEQ to respond
19 to all of our written and oral comments as part of its
20 decision on the application. And I'm happy to answer
21 questions on either our written or oral comments today.

22 And, additionally, one area that was not in our
23 written comments that we discovered was missing from the
24 permit application through public records request, is the
25 required financial assurance instruments to guarantee the

1 reclamation bond. It is our understanding that the
2 financial assurance instruments, such as letter of credit
3 or third-party surety agreement have not yet been submitted
4 to the DEQ. This is a problem because it deprives the
5 public of ability to comment on the validity and
6 sufficiency of the financial assurance instruments, and, in
7 turn, the validity and sufficiency of the reclamation bond
8 itself.

9 And at this time, we reserve our rights and
10 ability to comment on the financial assurance instruments,
11 as they are provided to DEQ, and ask to be notified when
12 they are submitted so we can submit supplemental objections
13 as necessary. This is particularly important if there's
14 collateral bonding proposed, or, you know, some other
15 alternative bonding mechanism that is yet to be defined by
16 the permit applicants. So we, again, reserve the right to
17 submit supplemental comments and objections as needed.

18 And we also want to be on the record now to
19 object to any use of Indemnity National as a surety
20 provider, given concerns about Indemnity's solvency and the
21 ability to adequately back coal mine reclamation bonds
22 because of significant orphaned and idle mine liability in
23 Appalachia.

24 And then I'm noting for the record that I have
25 arranged with DEQ to provide some additional documents as

1 part of our presentation today, and to be included in the
2 record for the informal conference. I'm providing a
3 document with information about the job claims made by the
4 applicant to respond to some of the public comments
5 received.

6 And I'm also providing some photos for Mr. John
7 Buyok of subsidence in the area. If you need more
8 authentication or information about those photos, Mr. Buyok
9 will be able to provide that. And I'm also providing an
10 email that was an exhibit during the EQC proceeding showing
11 DEQ has been aware of the proposed coal processing
12 facilities associated with the mines since at least
13 October 2015. And has, therefore, had ample opportunity to
14 ask the current applicant to include those facilities in
15 this application for review.

16 And, finally, I'm including some emails that were
17 also exhibits at the EQC proceeding that discuss the
18 problem the Company has with its proposal to mine under a
19 county road without providing a proper buffer or a plan to
20 relocate that road as part of this permit application. I
21 am not providing all the AML reports that were exhibits in
22 the EQC proceeding, as the agency is already the owner of
23 those reports and has access to them, and fully knows that
24 they show a long history of mine subsidence in the area.
25 But I refer you to the EQC docket and all of the exhibits

1 that the objecting parties submitted during that process.
2 There was over 200 exhibits submitted to the EQC as part of
3 that hearing process.

4 So now hopefully I'm going to be able to turn
5 over to Dr. Gerry Marino, who will be providing comments on
6 his report. And then Dr. Marino -- after Dr. Marino, Mike
7 Wireman will provide comments on his report. And then at
8 the end, Ms. Morrison may provide some additional comments
9 from our organization.

10 So thank you so much for your time and attention
11 this morning, and I hope this works out.

12 DIRECTOR PARFITT: All right. Thanks,
13 Shannon. Appreciate the comments. And we, indeed, have
14 your written comments, and we look forward to receiving
15 through the Smart -- is it Smart Comment System -- the
16 additional information that you referenced.

17 I would just point out that we are working on
18 getting connection with Mike Wireman. So we can proceed
19 right now with Dr. Marino, but we'll see where -- if we're
20 able to connect with Mike. If not, we might take a break
21 for lunch after Dr. Marino, and then pick up. That will
22 give us a little time to make sure we can get Mike onboard
23 here.

24 MS. ANDERSON: Okay. That sounds great.

25 And then, also, if you want to ask me any

1 questions right now, I'm happy to, or you can wait until
2 the end, or whatever, if you have any.

3 DIRECTOR PARFITT: I don't have any right
4 now, but we may when we get to the end of it.

5 MS. ANDERSON: Okay. Great. Thank you so
6 much.

7 DIRECTOR PARFITT: So we'll turn it over to
8 Dr. Marino.

9 MR. GUILLE: He's on.

10 DR. MARINO: Do you want to see my pretty
11 face, or --

12 MR. GUILLE: Dr. Marino, if you'd like to,
13 we can actually do that for you.

14 DR. MARINO: Yeah, sure, if you can do
15 that.

16 MR. GUILLE: Yep. There you go. It looks
17 like it's live. There you are.

18 DR. MARINO: There I am.

19 First of all, I want to say thank you for
20 allowing me to have this time to speak about this
21 application, Director Parfitt and the other DEQ members.

22 I have been approached and asked to by Powder
23 River Basin Resource Council to provide a subsidence
24 engineering overview, and also those things of concern
25 related to the reclamation proposed in the Brook Mine.

1 Just for your background, Director, I have about
2 40 years of experience in mine subsidence engineering.
3 I've been doing it in numerous coalfields across the U.S.

4 So the first thing that I want to mention, just
5 to give a little background, is that when we look at
6 subsidence on the ground surface, we look at all the
7 elements of the mine workings. You know, the entire
8 structure of the mine workings. So that includes not only
9 the pillars, which get a lot of focus in design, but also
10 the roof, as well as the floor of the mine. These are
11 three elements that could fail that could cause mine
12 subsidence in the future.

13 We also look at not only the ground control
14 conditions -- ground control means -- it's a technical term
15 used to mean what happens in terms of stability in the mine
16 at the time of mining. We are concerned about also, for
17 mine subsidence, what happens in the long term. And that's
18 one of the areas that is significantly deficient in this --
19 in this application.

20 This -- this was presented at the -- my opinions
21 were presented back in 2017 to the Environmental Quality
22 Council, who, in their findings, agreed with me, were an
23 advocate of my suggestions. However, upon review of what I
24 found in the subsequent rounds, that those suggestions were
25 essentially ignored by DEQ, as well as Ramaco. This is an

1 area that has significant subsidence in history. Everyone
2 knows that. So this is not -- this is an area --
3 definitely area of concern.

4 What Ramaco has done in their permit application
5 was they provided one token boring as a result of the --
6 the DEQ -- the Environmental Quality Council's findings.
7 The boring itself showed ground conditions, which were not
8 really consistent with all the other borings that were
9 done. So they were anomalous conditions that require a
10 different design, based on the ground conditions. That
11 there was not a subsequent hole done or any other holes
12 done to show whether or not those conditions were
13 continuous through even the TR-1 area, the 68-acre area.

14 The -- in the application, there's -- there's a
15 promise to do other holes, but it's not really -- it's
16 vague in what -- in where those holes will be and what they
17 will consist of. And that's -- even though that the
18 application is for over 1900 acres of highwall mining.

19 Some of the areas that were deficient, that I
20 found in terms of my subsidence engineering, were mainly
21 related to the long-term conditions, like, for example,
22 what will these rocks look like after the mine is abandoned
23 let's say 70 years later. Like, for example, Mr. Buyok has
24 mentioned to me about subsidence on his property 70 years
25 after mining.

1 These conditions, when you're doing a mine
2 subsidence investigation, are always looked at, because you
3 want to know what the risk of surface subsidence is after
4 mining, when you're looking at the surface. Some of these
5 things also that were not addressed were also the -- the
6 ways that a mine can fail -- not all the ways a mine can
7 fail.

8 Some of the areas that were addressed were
9 related mainly to the pillar stability. Normally, that's
10 not a concern for long-term conditions. But when you're
11 talking about weak rocks, quote unquote -- from their own
12 engineer's report -- weak rocks in the roof and floor,
13 these -- that becomes a concern.

14 Also, there's another area that was a concern for
15 me was the vague -- or incomplete plan for a subsidence
16 remediation, if subsidence were to occur. And I'll talk a
17 little bit more about that a little bit later.

18 One of the important things that we look at all
19 the time is the floor and the roof, how stable they are.
20 For example, the pillars are supported by the floor. All
21 that's given in the permit is that the floor is okay.
22 There's no analysis of it that's provided for -- for being
23 able to be reviewed. To me that alone is an incomplete
24 application.

25 One of the things -- one of the things that they

1 did provide were some testing of these rocks that were
2 above in the roof and in the floor of what their
3 deterioration characteristics were. In other words, would
4 they break down with water over time. And the results
5 showed significant amount of deterioration. So this
6 concern was not addressed. You know, what would be the
7 strength of these rocks after the breakdown, right? That
8 was not addressed in the application.

9 Another thing that -- that I think is important
10 is that the application did not prove that subsidence would
11 not occur with this mine design. In fact, their own
12 prediction method shows that seven sinkholes will probably
13 occur in the TR-1 area alone. If you use this methodology
14 that is used in the Ramaco application, you come and extend
15 it over these over 1900 acres, you're talking about
16 thousands of sinkhole subsidence events.

17 That -- one of the things that is also mentioned
18 is that while we have -- we have narrower entries than what
19 would be -- that has shown subsidence in the past in the
20 area. And so we wouldn't expect to have as many
21 subsidences. Well, that's only the case if you have
22 competent roof above -- above the entries or the openings.
23 If you don't have competent roof above the entries or
24 openings, the narrower void space actually causes
25 significant more -- higher caving height. And the reason

1 for that is -- is that the amount of volume of spread of
2 the rubble that occurs extends out into the entry compared
3 to the volume that extends upwards.

4 You know, one of the examples of that smaller
5 type of subsidences that can occur is based -- just looking
6 at some of the photos that Shannon will be sending you
7 regarding Mr. Buyok's property, where he talks about
8 sinkholes that are of size of about 10 feet or so. So
9 those are smaller than the entry size, and shows that the
10 rock cannot span even 10 feet.

11 The other area of concern is the way discussion
12 related to how the sinkholes, when they do appear, are
13 going to be repaired. From my understanding the only ones
14 that will be prepared the way it's laid out in the
15 application is that when they are hazardous. And who
16 determines when they're hazardous? It appears from my
17 reading of the application, that would be Ramaco. Well,
18 also how it will be repaired is somewhat vague. The way
19 that the Abandoned Mine Lands standards are -- don't appear
20 to be being applied here.

21 Another thing that's not talked about is you can
22 also have -- and this is something that I've learned from
23 looking at publications that is part of the history of the
24 area, also talking to people in the area, is that you can
25 have a bowl-shaped depression of the land, the surface

1 land. So these depressions can cause interruption of
2 drainage or cause ponding of drainage.

3 And, lastly, the last thing I want to talk about,
4 is the plan that's proposed in the application. Where
5 Ramaco discusses the first five years of the plan only
6 being surface mine. And as others have discussed -- and
7 also is my suggestion -- is that the removal -- that only
8 the surface mining portion of the permit be looked at and
9 taken into consideration.

10 This has a number of benefits to do it that way.
11 One -- and it is -- and it's somewhat in compliance with
12 Ramaco proposing every five years to have a renewal. But
13 having only done the surface mining, it allows -- allows
14 one to have additional knowledge of -- of the ground
15 conditions experienced from the mining that's done for
16 those five years.

17 Also, there's also the MSHA government agency
18 that will be involved in the surface mining, which will
19 require additional information to be provided. That
20 information would then be available for the second term, or
21 the -- the second five years.

22 And only -- my recommendation is only the areas
23 that have provided sufficient area and sufficient design
24 analysis should be approved, not the entire permit area.
25 1900 or more acres, without -- without having sufficient

1 data and design.

2 Also, this allows -- this is something that was
3 in their -- their permit discussions, that they -- they
4 would do a reevaluation of the highwall mining design,
5 depending on the mining conditions. So this would -- this
6 would allow some additional information to be collected in
7 that manner.

8 I think that -- that covers all my comments. I
9 appreciate the time and patience from DEQ. If you have any
10 comments for me, I'd be glad to answer them.

11 DIRECTOR PARFITT: Thank you, Dr. Marino.
12 I do have a couple of questions for clarification.

13 You've made mention of concern about -- I think
14 the term you used was weak rocks. I was just hoping you
15 could elaborate on how do you define weak rocks, and are we
16 seeing that -- or are you seeing that in your review in
17 that area?

18 DR. MARINO: Yes. There are certain types
19 of rocks that -- in fact, even in their consultant's
20 report, they talk about them being weak rocks. These rocks
21 are -- have a lot of clay in them. And the clay itself
22 absorbs water. So what happens is when they get exposed to
23 moisture, they soften. They swell up or break, and they
24 fracture into small gravel pieces in some cases, but they
25 lose a significant amount of strength in the long term.

1 DIRECTOR PARFITT: Okay. And then just for
2 clarification, make sure I understood your recommendations
3 correctly, that if -- if we were to proceed -- or to
4 proceed and get the permit, you would suggest that it be
5 limited to the surface mining parts of the application at
6 this point in time?

7 DR. MARINO: Yes.

8 DIRECTOR PARFITT: Okay. All right. Well,
9 thank you. I appreciate the comments and your review. So
10 that's helpful.

11 Okay. So now we do have Mike Wireman on, so
12 we're going to shift over to Mike.

13 MR. GUILLE: Mike, can you hear us?

14 MR. WIREMAN: Yes, I'm here. Can you hear
15 me?

16 MR. GUILLE: We sure can.

17 DIRECTOR PARFITT: We can hear you well.

18 MR. WIREMAN: Thank you.

19 DIRECTOR PARFITT: So Mike --

20 MR. WIREMAN: No problem.

21 DIRECTOR PARFITT: Go ahead, Mike. The --
22 the floor is yours.

23 MR. WIREMAN: Thank you. And thanks for
24 the opportunity here to discuss this most recent permit
25 application. I appreciate the time.

1 First thing I want to say, before I get into two
2 or three areas of concern I have, is this permit
3 application really, for the most part, reflects a very
4 outdated mine plan. There's a great deal of text in this
5 application that doesn't apply anymore. And it really
6 makes this very difficult to read and review and understand
7 what's current and what's not.

8 Luckily, I've been engaged in this since 2016,
9 and have been through all of the many, many rounds of
10 comments and responses. But for anyone who hasn't done
11 that, this would be a nightmare. I've reviewed many, many
12 mine permit applications over the years, and this one is
13 certainly up there in terms of poor quality.

14 Having said that, I have three areas I want to
15 discuss with respect to hydrology. And all my comments are
16 really concerning the hydrology, and particularly the
17 baseline assessment.

18 The characterization of the baseline hydrology
19 for this mine permit area and the adjacent areas is very
20 incomplete, and, as a result, is insufficient for assessing
21 any potential impacts to the Tongue River alluvial aquifer,
22 which is the most important aquifer in the whole region,
23 and subsequently to alluvial valley floors, which are
24 hosted by this alluvial aquifer.

25 So the baseline hydrology really needed to

1 provide data that could then be evaluated to look at
2 potential impacts to those resources, and it simply doesn't
3 do that. The dataset is extremely sparse. Most of it is
4 more than a decade old. Conditions change. Hydrology is
5 not a static system. It's a dynamic system, and things
6 change over time. So a lot of data here is very old and
7 really unknown how much it may or may not reflect current
8 conditions.

9 The hydrologic system here is very complex.
10 People often think, well, there's not a lot of water. It's
11 simple. But that's not the case here. It's a very
12 complicated system.

13 And there are two hydrologic units, you might
14 call them, that are of importance here with respect to
15 understanding any potential impacts. The first is the
16 Tongue River member of the Fort Union formation, which
17 hosts the Carney coal. That is complex little groundwater
18 system or systems.

19 There are variably saturated flow conditions in
20 this member. It has sandstones in it. It has coals. It
21 has claystones, siltstones. It's fairly typical for Fort
22 Union type of lithologies. But it's very complicated
23 because of there's a lot of faulting. As I said, these
24 viably flow, variably saturated flow conditions, meaning
25 some spatially variable saturation, and temporally variable

1 saturation.

2 There's underground workings that may or may not
3 impact flow through that member. And, most importantly, is
4 this assessment of how much -- whether and how much
5 groundwater from the Tongue River member of the Fort Union,
6 which may discharge into the Tongue River alluvium, or even
7 directly into the Tongue River, but more likely into the
8 Tongue River alluvium.

9 That assessment has not, simply, been done at
10 all. And that's a concern, because the AVFs are important.
11 The -- maintaining the water budget in the alluvial aquifer
12 is important. And understanding the connection between
13 that alluvial aquifer and the Tongue River is important.
14 And the water budgets that go along with the AVFs, which
15 are critical there.

16 In this Tongue River member, the recharge to
17 that -- that aquifer, the flow and the discharge from it is
18 very poorly understood, mainly because there just isn't
19 enough data. It's just that simple. This is a very, very
20 sparse data set for a very large -- or for this particular
21 mine.

22 For example -- there's a couples of examples
23 here. But Big Horn Coal, in their reports, they identified
24 what they termed a significant sandstone above the Carney
25 in the eastern part of the permit area. That sand produced

1 35 -- or 38 gallons per minute. That's productive.
2 Particularly for a domestic. No domestic -- very few
3 domestic wells up there can make that kind of water.

4 There's no assessment of that sand in there.
5 There's no discussion of where it might be saturated, how
6 it gets recharged, how it might connect to the Tongue River
7 alluvium. It's just not there.

8 So that -- understanding that is important,
9 because the question is is there significant water that
10 would discharge from this Tongue River member into the
11 alluvium along the Tongue River, and the highwall mining,
12 dewater that coal, probably dewater the sandstones that are
13 adjacent to it, and that may have an impact in terms of
14 reducing the amount of discharge from that geologic unit
15 into the Tongue River alluvium, which then, subsequently,
16 could affect water budgets of the AVFs. And there's just
17 no assessment of that, really, that is quantitative.

18 So, secondly, is the Tongue River alluvial
19 aquifer itself. We have pushed for four years, five years,
20 to get Brook to assess this aquifer. Some very simple
21 things which are always done. A water table map. We've
22 never seen one. Which direction does this water flow in
23 this aquifer? It is likely, given the location of the --
24 of this river, adjacent to the Bighorn Mountains, that you
25 have what we refer to as strong hyper reed flow. And what

1 that means is mountains -- when streams come out of the
2 mountains like that and go from high energy to low energy,
3 you often have a saturated alluvial deposit adjacent to the
4 river, and the river water moves in and out of that
5 alluvium and alluvium water moves in and out of the river.
6 And that only happens in the areas where rivers come
7 immediately out of mountains. Most other places there's
8 groundwater discharge to rivers when the groundwater levels
9 are higher.

10 But there's no discussion of that, that --
11 there's only been really three wells in this alluvium. Two
12 of them, by the way, were abandoned after only being
13 sampled once. And one of them was on the south side of the
14 Tongue River, which is frankly useless in terms of a water
15 table map for that alluvium on the north side of the Tongue
16 River, which is the critical resource here.

17 You have to have at least three wells to even
18 construct a water table map. There isn't three wells.
19 Also, the wells that they have used are the very eastern
20 end of this property. So there's nothing up on the west
21 end adjacent to the mine permit in terms of the west end of
22 this alluvial aquifer along the Tongue River. There's just
23 no data up there. And that includes monitoring data in the
24 Tongue River.

25 So we don't have any sense of seasonal trends

1 with respect to water levels or water quality in the Tongue
2 River alluvial aquifer. We have very old data that was
3 some -- very limited data collected in 2018, but it was
4 simply not sufficient -- you know, added on to what had
5 been collected before to get any sense of the groundwater
6 flow system in this aquifer, of its connection to the
7 Tongue River, of its potential connection to the Tongue
8 River member of the Fort Union formation. That's just --
9 it just can't be done. So we have no way of assessing
10 potential impacts, because we don't understand the current
11 conditions in this aquifer.

12 And in 2018, Brook provided some additional
13 cross-sections, which went north and south and went across
14 the Tongue River Valley. However, all of the points on
15 those cross-sections that are -- extent over there on the
16 southern end of these cross-sections, those are based on
17 lithologies from state engineer's office well permits in
18 the logs. I'm not knocking the state engineer. It's the
19 same in every state I've ever worked in. Lithology
20 information on water well permits, in particular domestic
21 permits, are just simply not good. They just aren't. And
22 they can't be used for this. Brook should have drilled
23 holes to construct those cross-sections. And should have
24 drilled more holes so they could complete wells and -- and
25 look at seasonal trends in water table.

1 There were two paired sets of wells in 2018 that
2 were Carney wells constructed immediately adjacent to
3 alluvial wells. The data in this application and in the
4 CHIA seemed to indicate that there was a connection. That
5 the water level in one of these paired wells in the Carney
6 was higher in the alluvium. That indicates a potential for
7 upward movement.

8 In the CHIA, in Addendum MP.3, Figure 2.3-3, it
9 indicates that there's a potential for flow from the Carney
10 up into the alluvium. So that should be further assessed
11 with real data and quantitative data so that we can know if
12 it's going to be a problem. When you dewater the Carney in
13 the adjacent sandstones, that's going to reduce recharge in
14 some way to this alluvial aquifer and subsequently affect
15 the AVFs.

16 Finally on this issue, the water quality data are
17 very old, for the most part. There's no recent water
18 quality data for Slater Creek or Hidden Woman Creek -- or
19 Hidden Water Creek, and only a very limited amount of water
20 quality data for the Tongue River alluvium and the Tongue
21 River.

22 And there are no seasonal trends for water
23 quality, no seasonal trends for flow, and you just have to
24 have that. You can't make decisions based on one data
25 point in the middle of the summer and not know what goes on

1 the rest of the year. And these systems have seasonal
2 trends.

3 And then on -- on this point, I'll end by saying
4 that the modeling -- you know, it was a good model. And
5 model that's used a lot. But models are extremely limited
6 by data. And there's very little data. This model focuses
7 really on looking at the radial extent of a cone of
8 depression related to the dewatering issue, and how that
9 might affect nearby domestic wells. The model did not
10 address the potential impacts to the Tongue River alluvial
11 aquifer, didn't really address flow down-gradient from this
12 Tongue River member. So that's an issue. I'm not knocking
13 the model, it's a good choice of models. But models are,
14 obviously, very limited by data.

15 And then moving onto my second point, which will
16 not take as much time, are the AVFs. We all know there's a
17 requirement to protect those. First of all, the permit
18 application doesn't seem to have any data or information on
19 the Slater Creek AVF, which DEQ has identified.

20 Secondly, both Brook and DEQ agreed that there
21 are AVFs on the alluvial aquifer on the north side of the
22 Tongue River, and that's obvious. They're there, and
23 they're adjacent to the mine permit boundary. There's
24 really no assessment of those.

25 DEQ apparently has determined that no action with

1 respect to characterizing these AVFs or mapping them or
2 monitoring them is required because Brook says there will
3 be no surface disturbance to the AVFs. Well, that totally
4 ignores any potential impact of dewatering the Carney seam,
5 and that impact to the water budget of these AVFs. It's
6 just ignored. And so I really don't see how that
7 conclusion was reached with respect to the AVFs. It also
8 ignores any future agricultural use of these AVFs.

9 And then, finally, the last point is monitoring.
10 You know, mines require baseline monitoring. They require
11 operational monitoring. They require postclosure
12 monitoring. The monitoring program here is a mess,
13 frankly. It is not very well defined. It's not laid out.
14 There's no strategy here with respect to these programs.
15 They're not based on a plan to collect data that can be
16 used to determine and evaluate impacts. They're simply not
17 that -- that thinking didn't go in here.

18 There's no monitoring upstream on the Tongue
19 River. None. There never has been, west of the mine
20 permit boundary. It's common sense that you have stream
21 monitoring above this mine permit boundary to the west, and
22 then downstream, so that you can look to see what changes
23 happen along that course. They didn't do that.

24 There are no monitoring wells in the Tongue River
25 alluvium on the west end of this site. There's mention in

1 here of using the existing monitoring. Well, some of these
2 sites haven't been monitored in a long time. Some of them
3 may be destroyed during monitor -- or during mining.
4 There's some promise to restore those. I'm not real sure
5 what that means and how -- how clear that that is.

6 The frequency of monitoring is unclear in terms
7 of postclosure. There's no discussion of what would
8 trigger end of postclosure monitoring. I recall some
9 discussion that there would be one or two annual
10 monitoring, and then trends would be established based on
11 that. Well that's simply not possible. You got to have at
12 least quarterly monitoring over three or four or five years
13 to establish any trends that might be used to make
14 decisions about ending the monitoring. So that's not
15 there.

16 So those are really the three main issues I have,
17 I'm just very -- just frustrated with not being able to add
18 to the data. We've been at this for 10, 15 years now. To
19 add to the data and to do a complete assessment of baseline
20 hydrology that can then be used to base mining operations,
21 to base closure elements and future monitoring. It's just
22 not there.

23 And so given that, there's huge uncertainty here
24 with respect to impacts to these critical water resources.
25 So I'll leave it at that.

1 DIRECTOR PARFITT: Okay. Thanks, Mike.

2 Just one question. And that was you made
3 reference that there's more data that needs to be
4 collected, more holes need to be drilled, more wells need
5 to be drilled. Do you have some kind of -- I don't know if
6 you'll know the answer to this -- but do you have some kind
7 of sense as to how many additional wells would be necessary
8 and over what period of time?

9 MR. WIREMAN: Yes. I mean, I can give you
10 that. I could. I mean, I could go over it here on the
11 phone, but it would take some time. But the answer to that
12 is yes. First of all, you would start with wells up on the
13 west end on the north side of the river in the alluvium up
14 there, totally west of the permit boundary. You would
15 spread out wells -- like I said, you have to have three
16 wells in any given aquifer to determine direction of flow.
17 That's not there. So you would put one on the west end,
18 maybe one in the middle, and one on the -- on the east end.

19 They've gotten rid of the two of three wells they
20 had, and there was no explanation of why those wells were
21 abandoned. They were sampled one time.

22 So with respect to the Tongue River alluvial
23 aquifer, I would suspect right now, my understanding -- and
24 Brook can correct me if I'm wrong -- but there's one kind
25 of alluvium well left. There's a need for at least three

1 more. So that's that.

2 With respect to the Tongue River member of the
3 Fort Union, the holes that they use for monitoring there,
4 many times are abandoned core holes that were put in for
5 exploration of the coal resources. Those are poor, poor
6 water monitoring holes. They just are. They're usually
7 2 inch. You can hardly get a water quality sample out of
8 them. So you need to start over there a little bit.

9 Big Horn Coal identified areas where this
10 sandstone is located. So, first of all, I'd put a well
11 screened only in that sandstone on the east end so that
12 that could be watched. There's more wells that need to go
13 up on the west end, even though I recognize up there the
14 Tongue River member is often dry. It's up near the
15 recharge area, and so depth of water sometimes is -- is
16 great. But you need to know that. You need those wells in
17 there to see what may change over a year.

18 And then, finally, there needs to be a little
19 more look at Slater Creek alluvium, because the aquifer
20 tests that were done by Brook some time ago -- 10, 12 years
21 ago -- using wells to the east of this area in the coals,
22 there were never any monitoring wells in the Slater Creek
23 alluvium. And that was just simply a mistake. You've got
24 to monitor that, because that's a potential place where
25 impact could occur.

1 And so, yes, that can be put together in a
2 detailed plan. I was hoping to see that in this
3 application, and didn't. But I'd be happy, if you want, to
4 put that on paper and run it up through Shannon, if
5 that's -- if that would be helpful.

6 MS. ANDERSON: Todd -- and this is
7 Shannon -- if I may just add on that as well. You may
8 remember that the agency was reviewing a sampling analysis
9 plan from the Company, and there was some rounds of review
10 on that plan, and then all the sudden it just disappeared
11 and wasn't actually going forward. And then in October of
12 that year, we got a new -- again, some additional
13 information in the permit.

14 So from our standpoint, it was unclear why the
15 sampling analysis plan was abandoned, because it was under
16 DEQ review at the time.

17 DIRECTOR PARFITT: Okay. All right. Mike,
18 thank you.

19 Shannon, thanks.

20 But, Mike, thanks. And no need to put anything
21 additional together. I think your -- your -- your
22 explanation helped me out there from what I was looking
23 for.

24 I'm going to turn it over back to Shannon. I
25 don't know if, Shannon, you're going to have Jill make some

1 remarks or statements.

2 MS. ANDERSON: Yeah, I think that's up to
3 Jill. She was not knowing whether she wanted to or not
4 when last I talked to her, so...

5 DIRECTOR PARFITT: Okay.

6 MS. ANDERSON: And, Jill, it's hard for me
7 to see you, so...

8 MS. MORRISON: Hi.

9 MR. GUILLE: Let's see here. One sec.

10 DIRECTOR PARFITT: Hold on. We're still
11 trying to get -- there we go.

12 All right. We're on.

13 MS. MORRISON: All right. Thank you.

14 If there's time, I'd just like to make some
15 points. And, first of all, I do want to thank again DEQ
16 for working through a difficult process for helping us to
17 try to be able to participate in a meaningful way. And so
18 we do appreciate your time and your efforts through this
19 process.

20 I have four or five points I want to kind of
21 round up and really emphasize as we've gone through this
22 process and as we've been working on this issue. And one
23 of the very important points under the laws that this mine
24 application has to be complete and accurate. That is a
25 number one point. And, unfortunately, this application is

1 not complete or accurate. It is deficient. It has been
2 noted it's somewhat of a speculative permit. And that both
3 undermines the law and -- and fails to protect and prevent
4 material damage outside the permit area. And that is
5 another requirement.

6 We have problems with subsidence, problems that
7 could occur from the blasting, problems with potential
8 fires related to blasting and mining, incorrect maps,
9 incorrect -- well, we really have no real defined
10 identified, disclosed, or information reviewed about where
11 is this water coming from that will be used for the mine.
12 That's another incomplete permit area.

13 Again, the roads and the facilities for the mine
14 don't match some of what's in the permit previous to what
15 is being talked about now. And I -- I don't know of any
16 mine -- coal mine in the state of Wyoming that uses public
17 haul roads, state highways as haul roads. I don't know of
18 any. Mines are required -- they move state highways in
19 order to have a haul road or build one. And I don't know,
20 maybe you do, but it -- it's very unclear. And the setback
21 distances from those are deficient in this permit.

22 The zoning identification in the permit is
23 inaccurate. It's noted as -- parts of the area around the
24 area zoned heavy industry. We have double-checked with the
25 county, and, no, there's nothing zoned in that area heavy

1 industry. The area where Ramaco has and Big Horn Coal has
2 some locations were zoned light industry, but nothing is
3 zoned heavy industry, and that's an inaccuracy in the
4 permit, again.

5 We don't know, again, who the operator is going
6 to be. That's a deficiency, and it's incomplete. And not
7 knowing what financial bonds or instrument is there is also
8 an incompleteness. It seems there's a lot related, as Mike
9 and Gerry mentioned, on subsidence and water.

10 And I think, again, to emphasize how serious it
11 is to get this right, this is a very important place.
12 There's a lot of people who live there. There's an
13 interstate highway running through there. This is not just
14 your run of the mill Powder River Basin coal mine. And we
15 got to get this one right. We want to help get it right.
16 We want it to be done right. We want it to be done well,
17 and we hope that you can prevail over the political
18 pressure and do -- do your job. And we appreciate that.
19 Thank you.

20 DIRECTOR PARFITT: Thank you. And I'm
21 going to go back to Shannon and see if, Shannon, you had
22 any kind of wrap-up remarks that you'd like to make.

23 MS. ANDERSON: I don't. That concludes our
24 organizational presentation. So thank you.

25 DIRECTOR PARFITT: Well, perfect. You kept

1 that right at 60 minutes, so...

2 MS. ANDERSON: Again, completely
3 unorchestrated. So amazing how that happened. But thank
4 you.

5 DIRECTOR PARFITT: Well done.

6 All right. What we're going to do now is we'll
7 take an hour break -- yeah, we'll take an hour for lunch
8 break, and when we come back, we'll pick up with Tom
9 Sansonetti and Brook Mine. That will go for -- they have
10 60 minutes. That leave us some additional time, so if
11 there are some closing remarks that some folks want to
12 make, we'll offer up that, depending on who all wants to do
13 that.

14 I know that Keith Burrton, you had expressed some
15 interest in that. So there should be some time at the end
16 for -- to allow for that.

17 So we'll break until 1:05. And we'll reconvene
18 at 1:05.

19 Thank you, everyone.

20 MR. GUILLE: Thank you.

21 (Informal conference proceedings
22 recessed 12:05 p.m. to 1:05 p.m.)

23 DIRECTOR PARFITT: Tom, are you on? Tom
24 Sansonetti?

25 MR. GUILLE: We don't have him as listed,

1 but I'm going to unmute Joanna Dewald. No, I can't. I'm
2 going to unmute Jeff Barron.

3 DIRECTOR PARFITT: Jeff, can you hear us?

4 MR. BARRON: I can hear you, yes.

5 DIRECTOR PARFITT: Okay. Is Tom with you?

6 MR. BARRON: He -- let me check in another
7 room really quick.

8 DEPUTY DIRECTOR EDWARDS: While he's
9 checking, Mark, do you have anybody with you in the
10 Sheridan office?

11 MR. GUILLE: Hold on. Go ahead, Mark. I'm
12 sorry.

13 MR. ROGACZEWSKI: That's all right.

14 I do have Ms. Tellez. And John Buyok said before
15 he left he was probably going to come back, but he has not
16 returned yet.

17 And Mrs. Westbrook was thinking of coming back,
18 but she has not arrived yet.

19 DIRECTOR PARFITT: Okay. Thank you.

20 MR. BARRON: Can you still hear me?

21 MR. ROGACZEWSKI: Yes.

22 MR. BARRON: Tom's working on getting
23 logged in. I'm not sure which computer he's on. But he's
24 in there with Joanna right now.

25 MR. GUILLE: Joanna -- I'm sure Joanna can

1 hear me. Actually, Joanna, I'm going to unmute you now,
2 and, Jeff, I'm going to mute you.

3 And, Joanna, you should be live now. Can --

4 MR. SANSONETTI: Can you hear me now,
5 Keith?

6 MR. GUILLE: We can.

7 MR. SANSONETTI: Yeah, it's Tom.

8 MR. GUILLE: Okay, Tom. Hey, Tom, did you
9 want us to have you on video?

10 MR. SANSONETTI: That would be fine, yes.

11 MR. GUILLE: Okay. Great. Bear with me.

12 MR. SANSONETTI: Make sure you got a wide
13 enough screen, Keith.

14 MR. GUILLE: So I should have made you as a
15 panelist, and then I'm going to send the invite to -- for
16 your camera.

17 MR. SANSONETTI: Okay. After I'm finished,
18 I'm going to go straight to Jeff Barron, who's in another
19 room. So you'll need to get to Jeff's computer. Are you
20 set for that?

21 MR. GUILLE: Yep. We can actually do that
22 right now. I'll get that set up while you speak.

23 MR. SANSONETTI: Very good.

24 DIRECTOR PARFITT: Tom --

25 MR. SANSONETTI: So I'll give things back

1 to Todd, then.

2 DIRECTOR PARFITT: Thanks, Tom. And so
3 we'll let you kind of facilitate your group. And so when
4 you need us to open up the mic to somebody, just let us
5 know. And I know you've got some materials too that you're
6 going to be presenting as well.

7 So we've got about 60 minutes for your
8 presentation. We've got some time. So we've got a little
9 flexibility there to go over a little.

10 MR. SANSONETTI: Okay. That sounds fine.
11 It's about 1:08, or something like that?

12 DIRECTOR PARFITT: Yeah.

13 MR. SANSONETTI: Let me know when you're
14 ready to start.

15 MR. GUILLE: We are ready to go.

16 DIRECTOR PARFITT: All right. You're up.

17 MR. SANSONETTI: Good afternoon. Thank
18 you, everyone, for attending this informal conference.
19 Director Parfitt, DEQ professionals, and interested local
20 and statewide citizens. Your time is appreciated.

21 I'm Tom Sansonetti from the Holland & Hart law
22 firm. Along with Pat Day and Joanna Dewald, I am
23 representing Ramaco and the Brook Mine.

24 Now, Ramaco wants to showcase Sheridan as the
25 "carbon valley," for a new higher tech future for one of

1 our state's oldest, most valuable and abundant natural
2 resources, namely coal.

3 Now, Ramaco is proud to have invested in Wyoming
4 for almost 10 years to try and make this dream a reality.
5 With the forthcoming decision resulting from this
6 conference, we are positively close.

7 Now, since 2011, both our employees and countless
8 local vendors and professionals that we have employed have
9 been dedicated to improving the Sheridan community and the
10 state. Ramaco has invested with full faith in the desire
11 and ability of Wyoming people innovate, lead, and create.

12 Now, the Brook Mine may be small by Wyoming
13 standards, but it is unique. It is the first step in the
14 only vertically integrated coal tech project designed to
15 produce the feed stock for coal to product, research,
16 development, and manufacturing of advanced carbon products
17 and materials.

18 Our Brook Mine permit has now been over eight
19 years in the making. It has been reviewed and re-reviewed
20 and rendered as "complete and compliant" twice by the State
21 of Wyoming's own mining experts at the DEQ.

22 Now, in response to the Environmental Quality
23 Council's decision in 2017, which declared the existence of
24 certain deficiencies in the original application, the Brook
25 Mine has made major revisions to that application,

1 including the removal of the entire TR-1 trench area from
2 the mining plan. In addition, the Brook Mine's hired two
3 of the country's top engineering companies to review the
4 mine plan and to address each and every one of the EQC's
5 concerns.

6 Consequently, Mr. Director, as part of your
7 deliberations whether to grant this permit, consider that
8 your DEQ professionals with their top-notch expertise,
9 knowledge, skills, ability, and experience, have deemed
10 this Brook Mine permit to be 100 percent compliant with the
11 rigorous environmental protections afforded by Wyoming's
12 strong laws.

13 And this permit is being held to the highest
14 standards. Those who would say otherwise have different
15 agendas regarding the issuance answer of this permit, or,
16 indeed, any extractive industry permit, whether it be for
17 coal, oil, or gas.

18 The original application, as you know, went
19 through five rounds of DEQ scrutiny. And this revised
20 application has gone through an additional seven rounds.

21 Now, this proposed mine is not in a national
22 park. This area is a coal mining region, and proudly so.
23 Our mine is in an historic mining district that once
24 brought good-paying jobs that allowed Wyoming families to
25 live here for generations. This permit is potentially the

1 future of coal. Coal tech. Unlike all other coal
2 operations in Wyoming, Ramaco is not intent on sending
3 coal-laden railroad cars down the tracks to coal-burning
4 power plants.

5 And so with this permit, we have a chance to
6 enter a new age for Wyoming's future. It is the right
7 permit, in the right place, at the right time, when Wyoming
8 needs this investment in new manufacturing base.

9 Now, I reference the upcoming Wyoming state
10 legislature's special session to deal with our budget
11 crisis. Now, a majority of the written responses sent to
12 DEQ during the public comment period offered strong support
13 for the mining permit. Nevertheless, the opposition has
14 worked hard to make the mine supporters doubt the abilities
15 of Ramaco and of the DEQ.

16 I would note very quickly the answers to a couple
17 of the questions that were brought forward earlier today.
18 I would note from the beginning that Ramaco sponsored
19 several community action committee meetings as outlets.
20 And they were held for neighbors and citizens to
21 participate over the last few years. So outreach did
22 occur.

23 I would also note that the iCAM building is being
24 all privately funded. Ramaco's federal grants are for
25 research, not bricks and mortar on the iCAM itself.

1 As far as the size of the building is concerned,
2 why that's important, I don't know, but the building size
3 increase was based on the fact that the scope of some of
4 the research that will be conducted has also increased.

5 Now I've listened to the objectors' comments
6 today. And people living nearby the mine have the right to
7 be concerned about the impacts of the mine on their
8 property. They have a right to be heard and their concerns
9 addressed. And any valid concerns of our neighbors can be
10 resolved if need be through conditions to the permit.
11 However, some objectors are asking for a 100 percent
12 guarantee that no hydrological subsidence or blasting
13 difficulties will ever arise. Now, that is an impossible
14 standard to meet, and it's not the standard embedded in the
15 Wyoming statutes.

16 And, unfortunately, as we have also heard today
17 from some other objectors, no amount of permit review will
18 ever be sufficient. Those objectors just want no more coal
19 mining, period. No matter the purpose. And it's to those
20 objectors that were railing about potential failure of
21 Ramaco's business plan, or not knowing enough about what
22 it's about, they have no standing to do so. Their
23 prediction and prognostications are irrelevant to the
24 factors to be considered by the DEQ in granting the permit.

25 This is not federal coal owned by all U.S.

1 citizens. This is not state coal by all Wyoming citizens.
2 This is private coal purchased and owned by a company
3 wanting to make a profit, but while making a difference to
4 the Sheridan community.

5 The Company deserves the opportunity to succeed
6 in developing its innovative plans. It's Ramaco's risk to
7 take and if Ramaco eventually succeeds or fails, that's the
8 American way of capitalism. On the other hand, if the
9 objectors desire to prevent Ramaco from mining its coal, no
10 matter what comes to pass, then who is going to reimburse
11 Ramaco for the value of its coal duly purchased, but
12 ordered left in the ground in perpetuity? The objectors?
13 The State?

14 What other extractive mineral company is going to
15 want to come to Wyoming after observing what Ramaco has
16 been through?

17 So you will now hear from Ramaco's witnesses in
18 support of the revised application. First, Jeff Barron of
19 WWC Engineering, a Sheridan company, who filed the
20 application. And then expert witnesses, licensed in
21 Wyoming, on hydrology and subsidence from the respective
22 companies of Petrotek and Agapito.

23 I thank you for your time and attention, and here
24 now is Mr. Barron.

25 MR. BARRON: Okay. Can you hear me?

1 Great.

2 All right. I'm Jeff Barron. I'm a licensed
3 engineer in both Wyoming and Montana. I work at WWC
4 Engineering, who was hired in 2013 to prepare the original
5 and now the amended Brook Mine permit to mine application.

6 Little bit about me. During my college
7 internship, I focused on studying the use of wetlands to
8 treat wastewater, primarily trying to identify those
9 species of plants that can do so during their dormant
10 periods in the winter months.

11 I grew up in Sheridan, Montana, a place with a
12 rich history of both mining and agriculture. My father was
13 the district conservationist for the Soil Conservation
14 Service, now known as the NRCS. I grew up understanding
15 the importance and value of caring for our environment and
16 the application of science to achieve that goal.

17 Director Parfitt, members of the DEQ, and the
18 public at large, I'm here to say that we have heard and
19 responded to your concerns, culminating from two public
20 comment periods on the same application. To that end,
21 we've hired Petrotek, a third-party firm, to evaluate our
22 groundwater model. We also hired Agapito Associates to
23 develop our highwall mining subsidence plan.

24 I want to say that we've heard from the EQC as
25 well. They had concerns about our TR-1 mining area. We

1 removed that area from the mine plan, and with it any
2 hydrologic effects that may have occurred from mining in
3 that area.

4 We've also added to the application a subsidence
5 control plan for mining not set to occur until the next
6 term of the permit so that the public, the DEQ, could get a
7 sense of how we were going to treat and handle subsidence
8 within our permit mine.

9 I want to say that we'll have no substantial
10 impact to the AVF. We've heard from Mike Wireman who said
11 we abandoned three of our alluvial monitoring wells.
12 That's just not true. We have established three monitoring
13 wells along the Tongue River, and three along Slater Creek,
14 all of which are still active and we are still monitoring.

15 During that testing we had two Carney pumping
16 wells adjacent to two of our alluvial monitoring wells. We
17 conducted pumping tests and observed no change in the water
18 level in the alluvium. To Mike Wireman's point, even
19 seeing the hydrostatic level of the Carney well above the
20 alluvial well would indicate a limited amount of
21 communication, otherwise they might be at the same
22 elevation.

23 Now, this is in addition to more monitoring and
24 testing that we have conducted on our previous monitor well
25 network. We have 33 total wells within our network that we

1 have been studying and monitoring for baseline conditions,
2 I want to point out that will not affect the high spring
3 runoff in the Tongue River. That's the primary source of
4 recharge to the alluvial valley floor. When the Tongue
5 River sees high flows, that water permeates into the Tongue
6 River alluvium and then is released during the drier months
7 of the year.

8 Another portion of the Tongue River alluvium we
9 will not affect is the Tongue River ditch. It lies between
10 the Brook Mine and the Tongue River, and serves as an
11 irrigation source for those farms and ranches that are
12 growing crops on their lands. We have even taken samples
13 of that Tongue River ditch to understand its nature and
14 makeup. As you might understand, that Tongue River ditch
15 flows slower than the river itself and has a higher
16 temperature. Those are some of the things we found.

17 As it relates to the Yellowstone Compact, our
18 company did a great deal of work as relates to that compact
19 and helped established the 1950 cutoff date where Montana
20 can make for a call for water. It's very important to note
21 that Ramaco controls 1908 and 1903 Tongue River water
22 rights on its own property and fee service, not subject to
23 the 1950 call date from Montana.

24 The overarching theme in all of this is we
25 learned through the increased data, we didn't gain a better

1 understanding of the area, rather we reaffirmed our
2 existing understanding of the area.

3 As was brought up previously, there's a concern
4 about our impacts to county roads. I want to say that our
5 impacts will be minimal. It would be something equivalent
6 to a gravel operator getting or winning a new contract and
7 the traffic that might result from that new contract. Now,
8 this is partly due to the scaled-back production of the
9 mine site and the beneficial use of coal as a building
10 material.

11 I do want to address Ms. Anderson's comments that
12 the county road will be used as a haul road. This just is
13 not true. Coal processing, as I explained on the tour,
14 will occur on the mine site, and final processed coal will
15 be delivered via highway trucks to its end location,
16 primarily the iCAM. This is no different than any other
17 mine operating in the Basin who delivers "stovering coal"
18 to a person in a pickup truck or a highway hauler for their
19 operation. They get clean, processed coal, which they
20 leave the mine site and hop onto a county road.

21 This is a three-mile stretch of road between
22 Tongue River -- or Taylor Quarry and the iCAM. So it's
23 just a small segment of road. Now, the County has
24 contemplated the use of industry in this area. They
25 developed the County Use Plan and identified a special use

1 area where industrial activities will be urged to happen.

2 Contrary to statements before, there is
3 industrial zoning in the area. There's some 140 acres
4 zoned Industrial 2, both on Ramaco's property, Big Horn
5 Coal's property, as Jordan Sweeney spoke about, and there's
6 6 acres of Industrial 1 at the old Acme Power Plant site.
7 This is also the area of the special use and zoning
8 provisions contemplated by the County in their plan. In
9 that plan they've identified improvements to rural roads to
10 handle this industrial traffic.

11 Now, we did conduct mine site tours, which I was
12 a party of, and conducted for those that wanted to see the
13 property. And I'd like to bring up some of the questions
14 that arose during that tour. For residents within one-half
15 mile of the operation, they'll have the ability to request
16 that a preblast survey be conducted. Now, some of these
17 requests have already been made. This includes a baseline
18 inventory of the house. These are photographs of the
19 exterior, the interior, looking for cracks, the status of
20 the foundation, the status of the walls. It also includes
21 an evaluation of the water well on the property. Again,
22 pictures of the exterior, to the extent we can grab a water
23 sample by pumping the well, and a water level if there
24 isn't wires or other things impeding an investigation of
25 the water level within that well.

1 This is to have a baseline condition that's both
2 given to the landowner and the Brook Mine and filed at DEQ,
3 so that if an upset condition were to occur, the mining
4 operator can be approached by a landowner and deal with
5 this request.

6 Now, in our studies, it's important to say that
7 we won't have impacts, and we don't foresee impacts on
8 residents' groundwater wells, but it doesn't mean we
9 haven't planned for that to occur. So if in an
10 investigation our landowner has an upset condition and they
11 reach out to the Brook Mine, we are obligated to replace
12 both in quality and quantity their well. This is a permit
13 obligation that's already well spelled out within document.

14 Now, at the prior EQC hearing, we contemplated
15 that there was a viable aquifer some 800 feet below the
16 surface. But I can tell you today that there is, in fact,
17 that aquifer. We drilled a well on Ramaco's fee surface to
18 that depth and found an aquifer capable of producing
19 5 gallons a minute at the surface artesian. This means for
20 residents along the Tongue River Valley there's a
21 possibility for replacing their well in kind for a well
22 that goes down to 800 feet.

23 Now, that doesn't mean we're going to leave the
24 homeowner stranded while the well is being constructed. As
25 was mentioned before, there's potable water sources to feed

1 a homeowner while the well was being built. This would
2 come from Ranchester or Sheridan. They have an excess
3 capacity for their rights on Tongue River to supply this
4 kind of water.

5 So they were right in saying that we may be able
6 to truck water from Ranchester or Dayton. Certainly we'd
7 have to purchase that water via their ordinances lined out
8 in each of the towns, but it's something that's achievable.

9 Now, I want to point out we also drove the sites
10 where the fires were mapped in 1978 by the USGS. We drove
11 right near that area, and I want to point out that we saw
12 no evidence of fires underground. Now, it's not to say
13 that we believe they may be totally out or not present. We
14 recognize the validity of the '78 report, but we just
15 haven't seen any evidence in the ground.

16 But I want to be clear, we're willing to accept a
17 condition on the permit that we do not undermine areas of
18 active fires. Now, that's not to say that we wouldn't be
19 able to undermine an area that's previously been mined.
20 Certainly when highwall mining is conducted, and especially
21 in areas where there's multiple seams, typically the higher
22 seam is mined first, and then seams below that.

23 And then certainly potentially the case here,
24 where an old mine exists above the Carney coal seam. We
25 don't want to preclude mining there, but we're willing to

1 not mine those areas where we prove out there may be fires
2 present.

3 Now, the issue of dust abatement was raised on
4 the property. Again, Ramaco has drilled a water well on
5 its own property that can serve as a source of water for
6 dust abatement. Now, during the first five years of
7 mining, we're talking about a thousand to 1200-foot haul
8 road from the mine pit to the processing center on the
9 property. There just isn't a lot of length of road that's
10 going to require a great deal of dust abatement.

11 As I pointed out, Ramaco owns 1908 water rights
12 on the Tongue River, to some 918 gallons per minute that we
13 can provide water that would be hauled via highway-capable
14 truck to the mine site and provide dust abatement on roads
15 when necessary.

16 There's also the opportunity during high flows in
17 the Tongue River to apply for and obtain a temporary water
18 haul permit from the Tongue River for dust abatement. In
19 the past WYDOT has applied for such permits. Sheridan
20 County has, and various contractors doing work for both the
21 state and the county.

22 On the property there's also available shallow
23 groundwater wells. Those could be developed to pump to a
24 pond that's lined and stored and used for dust abatement.

25 And, finally, in the scoria outcrop near Taylor

1 Quarry there are intervals of water available that can also
2 be pumped through the same line pond and used for dust
3 abatement on the property.

4 And really what I'm trying to say here is we've
5 heard the comments and the -- the arguments from the
6 opponents, and we're -- we have mechanisms to deal with
7 these issues.

8 The issue of blasting came up. And I described
9 while on the mine site tour the intermittent nature of
10 blasting. Ramaco only needs to remove a small amount of
11 overburden, but then is trucked and hauled and moved away
12 from the coal, then the coal gets blasted. This isn't a
13 24/7 operation, nor is it a 12-hour operation on a daily
14 basis. It's just intermittent to provide the uncovering of
15 the coal and the overburden so that Ramaco can access its
16 asset.

17 But the permit itself is flexible enough to allow
18 cases where maybe you need to blast three days in a row, or
19 maybe some upset condition occurred where you need to blast
20 on a weekend. The permit needs to remain this flexible in
21 case some kind of situation arises. And it's certainly
22 contemplated by Wyoming statutes.

23 Now the issue of subsidence was also brought up.
24 Now, for subsidence that's occurring outside of the mine
25 area, I want to reiterate that Ramaco has supported AML's

1 work. Other than the Playcheck Pit, there hasn't been a
2 time we've been approached by AML and denied some resident
3 the ability to fix subsidence features on their property.

4 And then for subsidence within our mine, it's
5 important to note when we develop a subsidence control plan
6 from mining panels inside our mining operation, you would
7 never develop a plan for all 39 years of mining. You make
8 detailed plans in five-year increments. And Ramaco went
9 out of its way to develop such a plan that's five years
10 from now, in its next term of permit, just to demonstrate
11 what such plan might look like and what would be entailed
12 in that plan, collecting the necessary core samples, and
13 subsequent samples will be taken for additional mine panels
14 that are developed.

15 And finally the effects of mining on recreational
16 areas. We will not affect recreation near the mine site,
17 People will be able to access Tongue River as they always
18 have. As a matter of fact, Ramaco, in a good faith
19 gesture, created Tongue River access site in the Sheridan
20 County recreational area. And just like some of the
21 commenters stated, I've gone by that site and I've seen
22 people fishing from that very location, where it was
23 unsuitable for people to navigate before.

24 People will be able to enjoy the Sheridan County
25 Recreation Area. They do so, even though it's immediately

1 next to Tongue River Stone, a quarry operation that
2 operates on a daily basis. That hasn't hindered anyone
3 from using that site.

4 There's a piece of State ground that's adjacent
5 to the Brook mine and adjacent to the Sheridan County
6 Recreation Area. We won't limit access to that site in any
7 way either. People will be able to freely access that
8 State property and look at birds and travel paths and take
9 their dogs for a walk.

10 So I just want to reiterate that we will not have
11 an impact on the recreation of the area. As a matter of
12 fact, it's Ramaco's intent to enhance that area for those
13 activities.

14 So that concludes my remarks at this time, and
15 I'd like to introduce Mr. Lawrence with Petrotek.

16 DIRECTOR PARFITT: Jeff, this is Todd. I
17 do have a question before we move on to the next speaker,
18 if that's all right.

19 MR. BARRON: I'm sorry, Mr. Parfitt. I
20 should have opened it up for questions. My apologies.

21 DIRECTOR PARFITT: No problems.

22 You had talked a fair amount about how you have
23 planned for addressing where the water for different needs
24 would come from based on your water rights and so forth.
25 Is that all laid out, as you described it, in the

1 application?

2 MR. BARRON: It is, Director.

3 DIRECTOR PARFITT: Okay. Thank you. That
4 was the only question I had, so I'll let you introduce the
5 next speaker.

6 MR. BARRON: Great. Errol Lawrence from
7 Petrotek.

8 MR. GUILLE: Do we have Mr. Lawrence on?

9 MR. LAWRENCE: Yes. I'm here. And I have
10 a presentation that I would like to have you guys pull up.
11 I understand you're going to control that.

12 MR. GUILLE: We can, or we can also make
13 you a presenter and share your screen, or if you'd like us
14 to control it and have -- did you want a video of yourself
15 on?

16 MR. LAWRENCE: Sure. I guess I'm not
17 sure --

18 MR. GUILLE: We're going to set you up
19 here, Mr. Lawrence.

20 MR. LAWRENCE: Okay.

21 MR. GUILLE: Okay. All right.

22 MR. LAWRENCE: Okay. There we go.

23 MR. GUILLE: Great. Bear with me while I
24 get up your presentation. And which one was it,
25 Mr. Lawrence?

1 MR. LAWRENCE: It was the one Ramaco Brook
2 Mine Groundwater Hydrology and Modeling.

3 There we go.

4 MR. GUILLE: I'm going to start the slide
5 show, hopefully -- see if it works, huh. Yeah.

6 MR. LAWRENCE: Okay. I think we're good.

7 All right. Well, my name is Errol Lawrence. I
8 am a senior hydrogeologist with the firm of Petrotek.
9 Petrotek is a firm specializing in groundwater issues
10 related to mining trona, hydrocarbon extraction, deep
11 disposal well work, quite a wide variety of industry, but
12 groundwater is really our thing.

13 Petrotek was tasked with conducting an
14 independent third-party review of the groundwater
15 components of the Brook Mine permit application, with
16 emphasis on the modeling, but also looking at the other
17 groundwater components as well.

18 Next slide, please.

19 As you all know, a groundwater model was
20 developed to help support or at least assess hydrologic
21 impacts from the Ramaco Brook Mine project. It is intended
22 to assess the indirect, direct, and cumulative hydrologic
23 impacts to identify potential impacts to adjacent water
24 rights and to estimate long-term impacts to the hydrologic
25 system from the mine operations.

1 I have -- I am the person directly responsible
2 for doing that review, and based on my professional
3 opinion, the groundwater model presents a reasonable and
4 thorough assessment of probable hydrologic impacts from the
5 Brook Mine.

6 Can I have the next slide, please.

7 Just since many of you are probably not familiar
8 with me, this is my first venture into this project. I'll
9 give you some -- little overview of my expertise or
10 abilities. I've been conducting hydrologic investigations
11 and focused on groundwater modeling, that the development,
12 review, mentoring of models for 30 years now. I have a
13 master of science degree in geological engineering from
14 Colorado School of Mines. I'm a licensed professional
15 geologist at the State of Wyoming. And I -- I have quite a
16 bit of experience relevant to Wyoming, and specifically the
17 Powder River Basin.

18 I have worked both collaboratively and on the
19 other side of the table, I'll say, from several DEQ staff
20 over the years. Many times my models have been critically
21 reviewed by Wyoming staff -- DEQ staff, and accepted by
22 them. And I've had a number of models that were based
23 on -- or were reviewing uranium sites in the state that
24 have gone through federal review from the U.S. Nuclear
25 Regulatory Commission. So bottom line is that groundwater

1 modeling, that's pretty much what I do.

2 Next slide, please.

3 Let's talk about the model a little bit. As
4 you're aware, it was developed by WWC using the U.S.
5 Geologic Survey code MODFLOW. As Mr. Wireman testified,
6 you know, he felt the model was a good model. I would
7 agree with that. It is complex, but it does represent the
8 complexity that is inherent in the site. It covers an area
9 of almost 40,000 acres. Probably important thing to look
10 at in this particular slide, which is the plan view of the
11 entire model domain, is you see the property boundary
12 marked in blue. Note that the model domain extends a
13 considerable distance outside of that property boundary.
14 And the reason being is that we wanted to be able to assess
15 impacts to surrounding water rights. And so it's important
16 consideration. And in any model, you need to extend quite
17 a bit beyond the -- the -- the area of interest.

18 Can I have the next slide, please.

19 This is a cross-sectional view through the model.
20 The model has seven layers in it. So not only does it
21 model the Carney coal, it also models the Masters coal seam
22 that is beneath it, the overburden above, and definitely
23 includes the alluvial aquifer where it is present in the
24 uppermost layer.

25 Each layer has distinct hydrologic properties,

1 based on aquifer tests, slug tests, you know, various
2 information. What's interesting about, if you look closely
3 at this cross-section going on the very left side, you'll
4 see two thin parallel bands, gray bands, kind of in the
5 middle of the brown section there. That represents the
6 Carney coal. As you trace that going from left to right,
7 you see there's areas where the Carney coal is absent
8 because it's been eroded away in some of the surface
9 drainages. And then when you go to the other side of that
10 surface drainage, you see that eventually the Carney coal
11 is truncated against a fault that has enough displacement
12 to offset it totally.

13 So all of these complexities are important to
14 understand the hydrologic system, and they have been
15 incorporated into the model, you know, to the extent the
16 data allows it.

17 This particular model incorporates a very high
18 level of detail of spec -- blah, blah, blah -- I always
19 mess up that word -- specificity, excuse me, probably much
20 greater than I would anticipate seeing for a mine permit
21 application. Typically when you go to mine something, you
22 don't have all the answers on the front end, and so things
23 are very generalized. In this case, there's the benefit of
24 a lot of previous historic mining, as well as the data
25 that's been collected to support the permit directly by

1 Brook Mine. So I think this model has a much greater level
2 of detail than I'm used to seeing for a model of this
3 purpose.

4 Next slide, please.

5 This is a very important figure as far as
6 understanding the hydrologic system here. What you're
7 seeing is a delineation of the areas of saturation, or at
8 least partial saturation. In other words, areas that have
9 groundwater within various specific units.

10 The purple hatching are areas that are indicated
11 as basically having groundwater within them. And what you
12 notice on that figure -- and it's restricted -- just to the
13 permit area. So, you know, we're not looking at things
14 outside the permit area for purposes of this illustration.

15 But what you see is less than half of the permit
16 area is saturated or even partially saturated for the
17 Carney coal. So more than 50 percent of the area is dry.
18 As you might expect, if you're mining in an area where
19 there is no water, you can't really expect a whole lot of
20 hydrologic impacts from that.

21 Next slide, please.

22 Now, I'll just briefly touch on this. If a
23 model -- if you're going to use it to make some type of a
24 projection for future impacts, you need to calibrate for
25 some measurable or observable phenomenon. Typically we use

1 water levels in monitor wells. This particular model was
2 calibrated to 22 different site monitor wells, and not all
3 of them are in the Carney coal. There were a number
4 spreads in -- across the alluvium and underlying aquifer,
5 the Masters coal. So it has been calibrated.

6 Next slide, please. I'm sorry if I'm going
7 through these quickly. I just had a lot more material than
8 I probably had time to present.

9 Once the model's calibrated, it was used to
10 simulate the mining sequence. And this figure has a bunch
11 of features on it. Those green polygons that you see
12 that have numbers in them are mine panels. And the mining
13 was -- is planned to occur going from east to west. And
14 basically one of those polygons or mine panels would be
15 mined each year.

16 If you remember, you know, the mining plan was
17 increased from a 12-year period to a 39-year period. This
18 is extremely beneficial in terms of minimizing hydrologic
19 impacts, because now we've spread the impact over a much
20 larger period of time, so that reduces it at any one
21 specific point in time or place.

22 The blue -- well, let me also say that during
23 mining, the model indicates the maximum amount of water
24 that will need to be extracted during dewatering of a
25 particular mine panel. It's about 24 gallons per minute.

1 That's the maximum. Most of the mine panels will produce
2 less than 5 gallons a minute during dewatering. Five
3 gallons a minute is not much water. I mean, that's a
4 garden hose at about half -- half of full capacity. So
5 it's -- it's a relatively small amount of water for a
6 majority of the mine that's going to occur.

7 The blue symbols with descriptors on those are
8 private wells. Part of the exercise in modeling was try to
9 determine how much of an impact would occur at the private
10 wells. And the red circles or red symbols indicate targets
11 placed in the model in the alluvium to try and estimate
12 what the impact the alluvium was going to be. And the
13 model results indicate that the impacts will be very small.
14 Typically less than a -- one foot, and as you get close to
15 the river, actually much less than that. Probably less
16 than tenth of a foot in most cases.

17 And then just the other output from the model or
18 the final results indicate that post-mining within five
19 years, the water levels within the permit boundary will be
20 returned within about 5 feet of their pre-mining levels.
21 So fairly rapid recovery.

22 Next slide, please.

23 So I went through my assessment of mining --
24 modeling, you know, I use a number of categories that I --
25 it's kind of a cookbook approach that I've developed over

1 the years. I'm not going to go into each one of those
2 because I don't have enough time.

3 But my conclusion at the end of all this, as I
4 stated up front, was that the results are a reasonable and
5 thorough assessment of probable hydrologic impacts from the
6 proposed mining of Carney coal. And along with that, the
7 mining results indicate that there would be no material
8 damage to the hydrologic balance outside of the permit
9 boundary.

10 Next slide, please.

11 I was also asked to look at a couple of other
12 issues related to the hydrogeology of the site. One of the
13 things I was asked was did Brook Mine adequately address
14 the issues brought forward by the EQC. And we've already
15 kind of gone over a bunch of these in some of the previous
16 discussion. I know CHIA was developed. The TR-1 mining
17 area was inadequately characterized. Maybe there was
18 insufficient hydrologic characterization, impact to private
19 wells were not adequately addressed. We've kind of gone
20 through all those.

21 So if I can have next slide, please.

22 You know, obviously the cumulative health impact
23 assessment has been developed. I've reviewed that as well,
24 and I'll talk about that shortly. The mine plan 's been
25 drastically revised so the TR-1 area has been removed

1 totally, as well as the Masters coal. So we have a
2 separate underlying aquifer that can be readily monitored.

3 The periods of operations, as I talked about
4 before, was substantially increased, which decreases the
5 footprint and the magnitude of drawdown. And one of the
6 things that I thought that Brook Mine did very well was
7 they went back in and looked at all the private wells more
8 closely that had been included in the initial modeling.
9 And through that additional investigation, determined that
10 most of those wells are not completed in the Carney coal,
11 and so the predicted drawdown, which was made under the
12 assumption that those wells were the Carney coal was
13 excessive. And when you remove a lot of those wells, it
14 turns out I think there were only less than a half dozen
15 wells outside the permit boundary that -- private wells
16 that would have any kind of drawdown -- measurable
17 drawdown. And even that, the maximum was about 3 feet.

18 So relatively minor impacts. And those are very
19 localized and short-term in nature. Once the mining is
20 done in a panel, the area around that starts to recover
21 pretty quickly.

22 Next slide, please.

23 I did review the Cumulative Health Impact
24 Assessment, and I'm just going to go right to -- my
25 conclusions were that the -- my conclusions are that the

1 conclusions reported in the CHIA are consistent with the
2 identified hydrologic concerns, the applicable statutes,
3 rules, and regulations, and the design components of the
4 Brook Mine permit. In other words, the mitigation
5 measures, the design of the mine is such that it will
6 minimize material balance to the hydrologic balance -- to
7 the -- minimal -- minimize material damage to the
8 hydrologic balance outside the permit boundary. That's
9 what it's supposed to do.

10 There's no guarantees -- you know, this is the
11 permit. And in the permit Brook Mine has stated these are
12 our intentions of how we plan to prevent damage. I think
13 that's done that successfully. I think the DEQ has looked
14 at that and compared that against the various criteria and
15 found that they agree with that.

16 Next slide, please.

17 All right. So I was also asked to review some of
18 the Powder River Basin Resource Council's concerns. We've
19 heard some of them again today. Most of them are focused
20 on the Tongue River and the Tongue River alluvium. Maybe
21 not so much on the modeling assessment, but more on the
22 level of the hydrologic characterization, whether or not
23 that's adequate. And then some monitoring concerns, both
24 operational and post-mining.

25 Yeah. I'm going to say I strongly disagree with

1 some of the statements and contentions of PRBRC regarding
2 certainly the modeling. I think it does give a very good
3 representation and demonstrates that impacts should be
4 short term in nature and very localized. So we really have
5 kind of addressed that.

6 The model is complex. And that goes along
7 with -- as Mr. Wireman said, it's a complex hydraulic
8 system. That's why the model has to be complex. If it was
9 a simple system, we wouldn't have needed to incorporate all
10 the data that was in there. It would have been a pretty
11 simple calculation.

12 Because of the complexity of the site, the model
13 addresses that. Is it a perfect match? Of course not. No
14 model is. Models are tools that help us make, you know,
15 reasonable decisions. I think the model in this case is a
16 good tool to use for predicting future impacts.

17 And, you know, there's always the -- the request
18 for more data. I'm a scientist. I'm a modeler. I always
19 want more data. But from a practical standpoint, the
20 collection of additional data I don't think would change
21 the model outcome substantially. I think, you know, the
22 conceptualization site is pretty good the way it is right
23 now. And so I don't really think additional data is
24 necessary. Although the data will continue to be
25 collected, monitoring is going to go on. As Jeff stated

1 earlier, there are three monitoring wells -- alluvial
2 monitoring wells along the Tongue River. Those are going
3 to be continually monitored on a quarterly basis once the
4 permit is issued.

5 There's five years before there will be any
6 interception of groundwater, so that's certainly long
7 enough period of time that we would see trends and be able
8 to develop a good baseline background information off of
9 that. There's also three wells in Slater Creek, so same
10 conditions apply there.

11 As far as -- I'll just leave that. Can I go to
12 the last slide, please.

13 So, in summary, in my professional judgment, the
14 groundwater model presents a reasonable, thorough, and
15 representative assessment of probable hydrologic impacts of
16 the proposed mine in the Carney coal. I think the EQC
17 hydrogeology concerns are largely addressed through
18 additional data that's been collected, through the
19 revisions to the mine plan, and incorporation of all those
20 components back into the revised model.

21 I find the CHIA -- I think the findings of the
22 CHIA are consistent with the hydrologic concerns that are
23 identified and the design components that are in the Brook
24 Mine permit. And it is my opinion that the Brook Mine will
25 not cause material damage to the hydrologic balance outside

1 the permit area.

2 And that concludes my presentation and I'm open
3 to any questions you might have.

4 DIRECTOR PARFITT: Yeah. Errol, this is
5 Todd. So if we could go back to the slide where you had
6 shown the different panels.

7 DEPUTY DIRECTOR EDWARDS: That's slide 8.

8 DIRECTOR PARFITT: Slide 8?

9 DEPUTY DIRECTOR EDWARDS: Yes.

10 DIRECTOR PARFITT: Keith, if you go back to
11 slide 8.

12 My question is, could you describe on this
13 particular map where the open pit area would be, because
14 that's really where it starts, right?

15 MR. LAWRENCE: That's -- the pit -- where's
16 that, Jeff?

17 MR. BARRON: Up by Taylor Quarry.

18 MR. LAWRENCE: Oh, by the Taylor Quarry,
19 right.

20 So it's kind of directly -- boy, the size of
21 this -- probably north of about -- is that A-5, kind of
22 around in there? Yeah. If you see the red -- the A-5, the
23 alluvial monitor point, it's directly north of that, kind
24 of in that area, Taylor Quarry area.

25 DIRECTOR PARFITT: Okay. So that's where

1 the open pit area would be, and that would be the initial
2 part of mining, correct?

3 MR. LAWRENCE: Yes, sir. This
4 particular -- the panels shown here are beginning with year
5 5 on the eastern side. So after that initial five years is
6 completed, because no groundwater is anticipated to be
7 intercepted, the modeling sort of kicks in at that point
8 going forward.

9 DIRECTOR PARFITT: All right. Thank you.
10 Thank you.

11 Okay. Tom or Jeff, you can turn it over now I
12 think --

13 MR. GUILLE: It's going to be Tim Ross,
14 right?

15 All right.

16 DIRECTOR PARFITT: Thank you, Errol.

17 MR. GUILLE: Tim, do we got you?

18 MR. ROSS: Yeah, you do. I have a
19 PowerPoint presentation I'd like to have you put up too.

20 MR. GUILLE: Absolutely. Bear with me.
21 I'm going to get into it here.

22 And, Tim, did you also want to share a video?

23 MR. ROSS: Yes, please.

24 MR. GUILLE: All right. Great. One
25 second.

1 All right. Tim, we've got you. Just bear with
2 me. Let me just start this, and we'll start sharing.

3 All right. There you go.

4 MR. ROSS: Thanks.

5 My name is Tim Ross. I'm a principal at Agapito
6 Associates. I'm a mine engineer, licensed in the state of
7 Wyoming. I'm the professional engineer that signed off on
8 the Brook Mine highwall mine report.

9 Tom Vandergrift, who's also an Agapito principal
10 and is participating in this hearing, is a mine engineer
11 licensed in Colorado. He was the lead engineer on the
12 technical work for Agapito's highwall mine report. If need
13 be, Tom's available to address questions on the specifics
14 of his engineering work.

15 Agapito is a group of mining and geotechnical
16 engineers based in Colorado. One of our specialties is
17 highwall mine design. In the last 20 years, we have
18 completed 45 highwall mining studies mostly in the western
19 U.S.

20 Next slide, please.

21 After the Wyoming EQC found deficiency in the
22 Brook Mine permit application, Agapito was contracted to
23 perform site -- a site-specific study for the TR-1 mining
24 area to address the findings of the EQC related to
25 subsidence risk, provide technical support for the Brook

1 Mine subsidence control plan, and address other
2 geotechnical or operational issues that might impact
3 highwall mining.

4 Note that the TR-1 area as shown here is
5 different from the TR-1 of previous permit applications,
6 which was to the southeast and no longer part of the plan.

7 Next slide, please.

8 To achieve these objectives, Agapito completed a
9 site characterization study, developed the detailed
10 engineering -- engineered highwall mine design, and
11 conducted the study to determine the risk of subsidence.

12 For the surface characterization, Agapito
13 conducted a site visit to better understand the surface
14 conditions. However, we were unable to assess the
15 subsurface conditions, as it was no active mining taking
16 place on the site.

17 Next slide, please.

18 To evaluate the subsurface conditions, a core
19 sample was taken from the TR-1 mining area. Agapito
20 inspected, photographed, logged, and performed physical
21 property testing on the rock and coal surrounding the
22 over -- and overlying the mining horizon.

23 From these tests, it was determined that the
24 Carney coal seam targeted for highwall mining is about
25 15 percent weaker than the average for western surface

1 coals, and that the roof and floor is only marginally
2 weaker compared to typical western coal seams.

3 Agapito recommended only one coal hole -- core
4 hole for the approximately 7 acres of the TR-1 mining area,
5 and it equals the requirements of our other highwall mining
6 studies with a similar area, and we stand by the design
7 based on that data.

8 Next slide, please.

9 For the detailed engineering design, Agapito used
10 the site characterization data to complete web and pillar
11 design using industry-accepted empirical methods. And then
12 we confirmed those designs using two specialized computer
13 modeling programs, LAMODEL and UDEC. And the UDEC modeling
14 was based on the site-specific data considering the roof
15 from the floor physical properties from our testing to
16 confirm the stability of the roof and floor and indicated
17 that the pillars would not function to the roof or floor.

18 Next slide, please.

19 One of the major concerns that have been raised
20 today is the risk of surface subsidence from -- the risk of
21 surface damage from subsidence. There are two types of
22 subsidence that can occur. Trough subsidence, which is a
23 consequence of pillar failure or pillars punching into the
24 roof and/or floor over a large area that result in a
25 decrease of surface elevation above the failure.

1 Trough subsidence can damage surface structures,
2 but in the absence of surface structures, the damaged
3 ground is usually easy to repair with regrading and
4 revegetation.

5 The second type is sinkhole subsidence, which is
6 caused by the overburden collapsing into the mine opening.
7 The most obvious and problematic historical subsidence in
8 the area of the Brook Mine is from sinkholes over the
9 intersections of room and pillar underground mines.

10 Next slide, please.

11 If Agapito's highwall mine design recommendations
12 are followed, there's little risk of trough subsidence at
13 the Brook Mine because of properly designed stable pillars
14 that will be left between the openings.

15 Agapito used the ARMPS highwall mines approach
16 which was developed by NIOSH and recommended by MSHA for
17 highwall mine designs. The pillars are designed to 1.6
18 pillar satiability factor using conservative inputs.

19 We use conservative coal strength of 6 -- 762
20 PSIs versus the recommended standard of 900 PSI. Agapito
21 has specified a conservative minimum pillar width-to-height
22 ratio of 1.0.

23 We use an overburden density of 162 pounds per
24 cubic foot, which is conservative by 12 percent of the
25 testing data. We use a conservative overburden depth of

1 90 percent of the maximum cover depth.

2 Also to ensure that the mine openings and the
3 pillars left between openings comply with the design.
4 Highwall mining systems are equipped with high-tech
5 guidance, systems which mine openings and leave pillars per
6 the design specification.

7 Next slide, please.

8 There's also a low risk of surfhole subsidence --
9 of sinkhole of subsidence at the Brook Mine. Agapito is
10 not aware of any sinkhole subsidence occurring at any of
11 the mines that have used our highwall mine design
12 recommendations.

13 Sinkhole subsidence is associated with shallow
14 mine workings, usually less than 140 feet. Most of the
15 highwall mining proposed for the Brook Mine has more than
16 140 feet of cover and goes up to 375 feet.

17 Finally, comparing the recommended highwall mine
18 design with the historical mining that contributed to many
19 of the sinkholes around the Brook Mine, proposed highwall
20 mine, in most locations, will be further below the surface
21 than the historical mine that caused the subsidence.

22 The highwall mining opening widths are fixed at
23 11.5 feet. Where the historical underground subsidence
24 took place, the mine openings were up to 25 feet wide.
25 Smaller opening widths reduce the probability of sinkholes.

1 Highwall mining has no intersections. The
2 pattern of historical sinkholes indicates most of the
3 historical sinkhole subsidence occurred at the
4 intersections of underground room and pillar mines.

5 And, finally, highwall mining extracts about
6 40 percent of the coal, whereas the historical mining was
7 estimated at 50 percent.

8 Next slide, please.

9 To summarize, Agapito geotechnical design results
10 in stable pillars and a low probably of trough subsidence.
11 Sinkholes may form in shallow cover areas, but not likely
12 or frequently. The Brook Mine subsidence control mine
13 appropriately addresses subsidence through a combination of
14 prevention by using an appropriate mine design, monitoring
15 for subsidence, and in the unlikely event there is
16 subsidence, mitigation by reclamation.

17 The current subsidence control plan meets
18 applicable Wyoming regulations.

19 Next slide, please.

20 Agapito's study in highwall mine design has
21 addressed all adverse EQC findings related to subsidence.
22 The finding that there were inadequate studies and testing
23 to assess the risk of subsidence was addressed by Agapito's
24 robust highwall mine design that meets or exceeds industry
25 standards.

1 The finding that there was not an adequate
2 subsidence plan was met by Agapito's highwall mine report
3 being incorporated into the subsidence control plan.

4 Finding that there was a lack of site-specific
5 data to assess pillar stability was met by Agapito's
6 site-specific ground characterization effort.

7 Next slide, please.

8 The finding that the original mine plan used too
9 high a coal strength value was met by Agapito's use of the
10 lower value based on the lab testing.

11 And the finding that subsidence control plans
12 should be stamped by Wyoming PE was met by Agapito's
13 report, which was stamped by a Wyoming PE.

14 Next slide, please.

15 That concludes my comments. I appreciate the
16 opportunity to speak. And if you have any questions, I'll
17 be glad to take them. Or Tom Vandergrift, depending on the
18 question. So if you could -- and if you have questions, if
19 you could activate his mic, that would be great.

20 DIRECTOR PARFITT: Thanks, Tim. I do have
21 a few questions for you.

22 The first question I have is you had made
23 reference to you used 762 PSI coal strength versus the
24 900 PSI. My only question there is why did you do that and
25 how did you come up with 762?

1 MR. ROSS: Tom, are you online?

2 MR. VANDERGRIFT: Yes. Yes, I can address
3 that.

4 The 900 PSI coal strength is the standard. And
5 from our experience in the western highwall mine design,
6 that correlates to about a 2,070 PSI of laboratory
7 strength. 900 PSI is an in-place coal strength. Due to
8 the fabric of the coal, its actual strength in ground is
9 less than you'll see in the laboratory.

10 So our laboratory test results indicated that it
11 was about 15 percent lower than that 2,070 PSI standard
12 strength. So we adjusted the in-situ strength down
13 15 percent as well. That's how you get the 762.

14 DIRECTOR PARFITT: Okay. Thank you.

15 And then some of the comments that we heard
16 earlier today related to subsidence of previously mined
17 areas, so as you get vibration from the mining activity,
18 that you might have subsidence in other areas, not just
19 from the highwall itself in that impacted mining area. Can
20 you speak to that a little bit as to how you did your
21 review on that and what your findings were?

22 MR. ROSS: Tom, can you address that?

23 MR. VANDERGRIFT: Our study did not
24 consider any impacts to old mining. That was outside the
25 scope of our study.

1 DIRECTOR PARFITT: Okay. And then one last
2 question. Well, pretty much the same question that I just
3 asked, so I don't have any further questions.

4 So thank you. Thank you for the presentation.
5 And Jeff or Tom, I guess it's back to you.
6 Are they on?

7 MR. GUILLE: Yeah.

8 MR. SANSONETTI: Yeah. That was our last
9 presenter, so that completed our time. And I've got 2:08,
10 so I think we hit the hour right on the head, guys.

11 DIRECTOR PARFITT: Perfect. Perfect.

12 DEPUTY DIRECTOR EDWARDS: They missed the
13 five minutes.

14 DIRECTOR PARFITT: All right. Well, so
15 thank you again for the presentation. Don't go away.

16 What I'd like to do now is get a sense of how
17 many of the parties that have given presentations would
18 like to get a little additional time to make some closing
19 remarks or follow-up remarks.

20 MR. GUILLE: And they can do that. If you
21 want to raise your hand. On the system off to the right,
22 there should be this little hand. Just press that and
23 we'll know to turn on your mic and ask any additional
24 questions or make additional comments.

25 Keith Burron.

1 DIRECTOR PARFITT: Again, if you do, just
2 raise your hand or let Mark know, if you're in Sheridan.

3 Otherwise, we'll start, Keith, with you, and then
4 we'll see if we get any other hands raising as we go along.

5 So we'll open it up to Keith Burron with Big Horn
6 Coal.

7 MR. BURRON: Thank you, Director Parfitt.
8 I will be brief here and don't have a lot to add here.

9 I just wanted to note that -- I mean, I didn't
10 hear a lot in specific -- in terms of the responses
11 specifically to Mr. Sweeney's comments, and so I wanted to
12 reiterate, you know, his comment on the order in lieu,
13 because, as Brook pointed out in his presentation, the mine
14 plan has changed significantly from what was presented at
15 the original -- in the original application. And what went
16 in front of the Council at the order in lieu proceedings.

17 So we just want to ensure there's more clarity in
18 the mine and reclamation plan in terms of the activities
19 that are going to potentially occur or impact Big Horn Coal
20 surface. So to the extent that the -- the intent is for
21 the existing order in lieu from the prior proceeding to
22 be sort of utilized for the current mine plan, that its
23 application would be specific to this plan and not -- you
24 know the prior plan, not revised plan, that may occur in
25 the future. But -- you know, because the order in lieu

1 is -- again, it's not a general adjudication of property
2 rights or carte blanche right of access. It allows access
3 for specific purposes set forth in the permit application.
4 And, you know, what Mr. Sweeney presented in terms of the
5 deficiencies we believe are appropriate to address, and Big
6 Horn Coal would like to see those concerns addressed in the
7 application before it is -- before it's acted on by the
8 Department.

9 That's all -- all I would have to add.

10 DIRECTOR PARFITT: Okay. Thank you, Keith.

11 And just for the record, that was Keith Burron.

12 Okay. Keith, did you get anybody else raising
13 their hands?

14 MR. GUILLE: It doesn't seem at this time.
15 I'm still scrolling through. It doesn't appear --

16 DIRECTOR PARFITT: What I might do, I'll
17 just read through the list. And if you're there and you
18 want to make any closing remarks or other additional
19 statements, just let me know. So I'm going to walk down
20 the list here.

21 Bill Bensel, did you have any additional remarks?

22 MR. GUILLE: He's not on.

23 DIRECTOR PARFITT: Okay. Art Hayes.

24 MR. GUILLE: Art is not on.

25 DIRECTOR PARFITT: Okay. Joanne Westbrook.

1 MR. GUILLE: No. No.

2 DIRECTOR PARFITT: Mary Brezik-Fisher.

3 MR. GUILLE: Mary is on. Mary, I've turned
4 on your mic. Did you have any additional comments or
5 questions?

6 DIRECTOR PARFITT: Statements.

7 MR. GUILLE: Statements.

8 MS. BREZIK-FISHER: Yes.

9 DIRECTOR PARFITT: Okay.

10 MS. BREZIK-FISHER: Can you hear me?

11 MR. GUILLE: Yes, we can.

12 MS. BREZIK-FISHER: A couple of things.

13 Please note that the Brook presentation about subsidence
14 focused entirely on the pillar strength and their
15 conclusion that pillar strength was sufficient to avoid
16 subsidence.

17 Second comment, Dr. Marino was commenting on an
18 entirely different issue, which was floor and roof strength
19 above and below the mined-out area had not been assessed
20 and presented risks. The Brook presentation did not
21 respond to this criticism.

22 A third comment, I believe that presenter Errol
23 Lawrence from Petrotek made a statement that with this
24 revised mine plan there were only a handful or maybe a half
25 dozen private wells that would be impacted to approximately

1 only 3 feet of drawdown. I would like to know if those
2 wells have been identified and whose property those wells
3 are on.

4 DIRECTOR PARFITT: Okay. Anything else
5 there, Mary?

6 MS. BREZIK-FISHER: No, that's it. Thank
7 you.

8 DIRECTOR PARFITT: Okay. Thank you.
9 Okay. Gillian Malone.

10 MS. MALONE: Yes, I would like to ask a
11 question.

12 Considering the fairly large discrepancy between
13 the presentations of Gerry Marino and Mike Wireman versus
14 Timothy Ross and Errol Lawrence, I was wondering if it
15 would be possible to have Gerry and Mike directly address
16 Timothy Ross and Errol Lawrence with questions and concerns
17 that they have so we can start to get to the bottom of some
18 of this.

19 DIRECTOR PARFITT: Yeah. So Gillian,
20 because there's no direct cross-examination here, I will be
21 giving the Powder River Basin Resource Council the
22 opportunity to provide any additional information. So when
23 they get to that, if Dr. Marino or Mike Wireman want to add
24 anything to their oral statement, we'll allow them to do
25 that.

1 MS. MALONE: So no possibility for an
2 actual dialogue between these experts so we can really get
3 this right.

4 DIRECTOR PARFITT: Not in this forum.

5 MS. MALONE: Okay. Thank you.

6 DIRECTOR PARFITT: Uh-huh. Okay. Joan
7 Tellez.

8 MR. GUILLE: No. No.

9 DIRECTOR PARFITT: Okay. John Buyok.

10 MR. GUILLE: Yeah, John is no longer in the
11 Sheridan office.

12 DIRECTOR PARFITT: Anton Bocek.

13 MR. GUILLE: No.

14 DIRECTOR PARFITT: Okay. I know, Keith,
15 you spoke for Big Horn Coal.

16 But, Jordan Sweeney, do you have any additional
17 additions to your statement?

18 MR. SWEENEY: No. I have nothing to add.
19 Thank you very much.

20 DIRECTOR PARFITT: And then Priscilla
21 Dillon?

22 MR. GUILLE: See if she's on. I don't see
23 her on.

24 DIRECTOR PARFITT: All right. So then I go
25 to Shannon Anderson on behalf of PRBRC.

1 MS. ANDERSON: Hi, Director Parfitt. This
2 is Shannon. Can you hear me?

3 DIRECTOR PARFITT: Yes.

4 MS. ANDERSON: We just had, on behalf of
5 Powder River Basin Resource Council, we just had a few
6 responses.

7 The first on the water rights that Mr. Barron
8 spoke about and you asked a question if that was in the
9 permit, and we did not see anything about the delineation
10 of all of those water rights and water sources,
11 particularly the city of Ranchester, mentioned directly in
12 the permit application. So I would just encourage you to
13 fact-check that. And if it's not in there, we do believe
14 that's a real problem, because it doesn't explain where the
15 water for the mine will be coming from, and that could be a
16 fairly large deficiency, particularly when you consider the
17 need to look at all that within the CHIA.

18 And then I did correspond a little bit with Mike
19 Wireman. He didn't see a need to respond to anything
20 directly I think on the hydrology.

21 And I did text Dr. Marino, but I'm not sure if
22 he's still involved on the GoToWebinar, but I leave it to
23 him whether he feels he needs to say anything about
24 subsidence.

25 MR. GUILLE: He is still on. I can turn on

1 his mic right now to see if he has anything more to add.

2 Dr. Marino, are you with us?

3 DR. MARINO: Yes. I have no further
4 comments. Thank you.

5 MR. GUILLE: All right. Thank you.

6 DIRECTOR PARFITT: I do --

7 MR. GUILLE: Shannon, I do have you still
8 on. Any other additional comments?

9 MS. ANDERSON: I don't think so. That
10 should be it. Thank you.

11 MR. GUILLE: All right. Thank you.

12 DIRECTOR PARFITT: Thanks, Shannon.

13 And then I'll go back to Tom Sansonetti. Any
14 concluding remarks?

15 MR. SANSONETTI: We've got a couple that
16 will be addressed by Jeff. Can you get Jeff Barron back
17 on, because he has the answers to a couple of points that
18 were raised.

19 MR. GUILLE: Yes, I have Jeff on now.

20 MR. BARRON: Okay. Can you hear me?

21 MR. GUILLE: Yeah. Let me turn that down.

22 MR. BARRON: So I do want to address one of
23 Big Horn Coal's concerns as far as the area of disturbance
24 in the laydown area. We have that area slotted to allow
25 the most maximum flexibility. It is not Ramaco's intent to

1 disturb that entire area, but maybe portions or pockets of
2 that area so we have that area slotted as an area of
3 disturbance. But the intent isn't to disturb the entire
4 area all at once.

5 As it relates to Mary Fisher's comments on the
6 wells that are impacted, they are in the permit. It's
7 Table MP-6-2A. There's five wells listed there. It's also
8 on page MP-53 of the permit application.

9 And as it relates to the use of the Town
10 of Ranchester's water, that's completely used for
11 replacement in case a water well should be damaged
12 and need some sort of municipal water to replace it
13 while a well is being drilled. I've looked briefly,
14 just in the short time I have, I haven't found the
15 location in the permit application, but I believe it
16 is in there.

17 DIRECTOR PARFITT: Anything further from
18 Brook Mine?

19 MR. BARRON: I have nothing further,
20 Director Parfitt.

21 MR. SANSONETTI: I think that wraps it up
22 for us, Mr. Director.

23 DIRECTOR PARFITT: Okay.

24 MR. SANSONETTI: I think that's all
25 the questions we were able to answer, given the issues

1 that were brought up here by the last four or five
2 speakers. Thank you.

3 DIRECTOR PARFITT: Thank you, Tom.

4 All right. That will conclude the informal
5 conference. I want to thank everybody that participated
6 and took the time to participate in the informal
7 conference and provide additional information to be
8 considered.

9 Also want to say thank you to all the DEQ staff
10 that handled all of the technology aspects of this and made
11 it work. So the technology really can work and appreciate
12 those efforts.

13 I also want to point out that since we're --
14 it's 2:20 now. We will keep the portal on the Smart
15 Comments open for written statements until 4:00 this
16 afternoon. And just so you all know, that's still open,
17 if there's additional documents we talked about that you
18 were going to upload to that system. And appreciate
19 that.

20 Now, in closing, I will make a final decision on
21 the issuance or denial of the Brook Mining permit within
22 60 days of this informal conference. And when that
23 decision is made, all of the 89 entities that provided
24 timely comments will receive the final decision on the
25 application.

1 So that concludes the informal conference, and,
2 again, thank you, everybody.

3 (Informal conference proceedings
4 concluded 2:22 p.m., May 13, 2020.)

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C E R T I F I C A T E

I, KATHY J. KENDRICK, a Registered Professional Reporter, do hereby certify that I reported by machine shorthand the foregoing proceedings contained herein, constituting a full, true and correct transcript.

Dated this 2nd day of June, 2020.


KATHY J. KENDRICK
Registered Professional Reporter

