

From: [Mark Rogaczewski](#)
To: [Jim Ruby](#)
Cc: [BJ Kristiansen](#); [Alan Edwards](#)
Subject: Re: Ahh
Date: Tuesday, January 31, 2017 8:54:23 AM

Exhibit 31

Jim,

The reference provided from Coal R&R Chapter 12 refers to proposed mining operations within 100 feet of a public road. It is my understanding proposed mining under the Brook Mine permit will come within 100 feet of Sheridan County Slater Creek Road. It appears this rules citation and proposed mining within 100 feet of Sheridan County Slater Creek Road may qualify for the EQC hearing to be held in a locality close to the proposed operation.

Thanks for the clarification on the citation.

Mark

On Tue, Jan 31, 2017 at 8:38 AM, Jim Ruby <jim.ruby@wyo.gov> wrote:
It is in the Coal Rules Chapter 12. Here is the language.

(D) Within 100 feet, measured horizontally, of the outside right-of-way line of any public road, except where mine primary roads join such right-of-way line. Provided, however, the Administrator may specifically authorize operations where the road is to be relocated, closed, or where the area affected lies within 100 feet of a public road. Such specific authorization shall provide a public comment period and an opportunity to request a public **hearing** in the locality of the proposed operation together with a written finding on whether the interests of the public and the affected landowners will be protected from the proposed operation. If a **hearing** is requested, a public notice shall be published at least two weeks prior to the **hearing** in a local newspaper of general circulation. If a **hearing** is held, the Administrator shall make this finding within 30 days after the **hearing** or if a **hearing** is not held the Administrator must make this finding within 30 days after the end of the public comment period. The Administrator may rely upon findings of the public road authority with jurisdiction over the road in specifically authorizing road relocations or closures;

On Tue, Jan 31, 2017 at 8:33 AM, BJ Kristiansen <bj.kristiansen@wyo.gov> wrote:

Jim,