

Big Horn Coal Company

Hi Alan,

I have attached the comments again to this submittal as a PDF, please let me know if they come through.

Thank You,
Jordan



**BIG HORN COAL COMPANY
10980 SOUTH JORDAN GATEWAY
SOUTH JORDAN, UT 84095**

April 23, 2020

Wyoming Department of Environmental Quality
Land Quality Division
200 W. 17th Street
Cheyenne, WY 82002

ATTN: Mr. Alan Edwards, Assistant Administrator

RE: Objections to Proposed Brook Mine Permit Application, Sheridan County, Wyoming

Dear Mr. Edwards,

Big Horn Coal Company (BHCC) writes to provide objections to the Brook Mine permit application. At this time, BHCC is requesting that your office hold an informal conference to discuss the following objections.

Our objections are based upon what BHCC believes to be the most accurate, up-to-date information and relate primarily to the permit application's failure to adequately address the surface protection bond related to the BHCC surface, the potential for coal seam fires to erupt in both the open pit and subsurface openings and the potential disturbance located in the South East corner of the proposed Mine Plan. The objections are referenced to text section headings, exhibits and addenda of the permit application Mine and Reclamation Plan.

Objection No. 1 – Surface Owner Protection Bond Review

BHCC has reviewed the proposed Brook Mine Surface Damage Bond for Big Horn Coal Surface Ownership contained in the Adjudication Binder 1 of 3. BHCC is requesting that the Surface Protection Bond be updated to reflect the change in the proposed disturbance related to the new mine plan in this application. The text and Figure 1 identifies projected disturbance that is not concurrent with the projected disturbance within the proposed Mine Plan.

BHCC would like to put on record that it is providing written notice of its concerns so Brook Mine and other affected parties have notice and are aware of these issues and concerns so that BHCC is not responsible for any personal, property or environmental damage or other loss due to the disturbance activities associated with the Brook Mine, its affiliated companies or successors in interest.

BHCC has not consented to overlapping permit boundaries nor has it been indemnified for any disturbance related to Brook Mine's proposed activities as it relates to the reclamation obligations and BHCC's reclamation liabilities.

Objection No. 2 – Appendix D1 – Land Use

The land use section, found in Appendix D1 of the proposed Brook Mine Application was last prepared and updated as of July 2015. Exhibit D1.1-1 titled Land Use was also prepared and updated July of 2015. The land use in and around the BHCC surface ownership area is incorrectly identified as Present Recreational Use Area and Past and Present Grazing Land Use Area within Permit Boundary. The land use in this dual shaded area should be represented as Past and Present Grazing Land Use Area within Permit Boundary only. Additionally, on August 7, 2018 the Board of County Commissioners of Sheridan County Approved Item R-18-002: Big Horn Coal Rezone, as per the submitted application rezoning 43.36 acres of BHCC surface from (A) Agricultural to (I-2) Industrial 2.

This above mentioned land use changes should be updated in the Brook Mine Application, Appendix D1 and Exhibit D1.1-1 to accurately represent the present land use upon BHCC surface.

Objection No. 3 – Section MP.1.3; Section MP.6.1; Section MP.1.9; Section MP.25;

It is unclear the need for the "Potential Disturbance" during years 6-10, encompassing 300 plus acres of BHCC surface in Sections 21, 22, 27 and the south half of Section 15 when there is no mining being planned. The previous TR-1 pit has been removed from the proposed Mine Plan all together and Brook states in Section 1.9 of the Mine Plan that they will not obstruct BHCC's Shop, Bridge and Rail Siding. The need for 300 plus acres for a laydown yard is inconceivable for a mine that will produce 400,000 tons annually at its peak. Additionally, the location of the "Potential Laydown or Staging Area" does not make logical sense in regards to the mine layout. The initial pit is opening on the western portion of the mine site, adjacent to the Brook mine entrance and future mining related facilities. Primary haulroads are being proposed in order to access the eastern pits, therefore BHCC does not understand the need for the Potential Laydown or Staging Area designation upon its surface.

Furthermore, the utilization of the BHCC facilities and more specifically the bridge are not allowed nor are they contemplated in the 1954 deed¹ as they were constructed after the 1954 deed was drafted. Even if, the 1954 deed is valid, nothing in the deed mentions the use of the BHCC facilities or the bridge. BHCC formally objects to the Potential laydown areas and the need to disturb 300 plus acres of BHCC surface, especially when there is no mining contemplated in the area. BHCC requests that the Brook Mine permit boundary be removed from BHCC Surface, south of the Tongue River.

Objection No. 4 – Section MP.11; Addendum MP-5

¹ BHCC and Brook Mine have had fundamental disagreements over the enforceability of certain aspects of the 1954 deed, and those disagreements have never been adjudicated since Brook Mine moved to dismiss litigation over that subject. BHCC reserves all rights to challenge any aspect of the enforceability of the 1954 deed in a court having valid jurisdiction.

The fire control plan referenced in Section MP.11 and presented in Addendum MP-5 describes measures to be taken to prevent and control fires in the mine pits, fires in the mine's processing and shop facilities, equipment fires and rangeland fires. BHCC objects, however to the proposed Mine Plan and Addendum MP-5 not providing plans to control and extinguish new subsurface coal fires that may develop or existing subsurface coal fires that may become rekindled or enlarged as a result of the highwall mining panels that will be opened outboard of the highwall trench openings.

Attachment 1 provided with this Objection No. 4 is a drawing showing the approximate extent of underground coal mine fires in the area of proposed highwall mining in Sections 10 and 15, T57N, R84W, as reported by the U.S. Geological Survey in 1980. The fires in this particular area originated with mining of the Monarch coal seam. This and other nearby historic underground mines have long been known to exhibit numerous subsidence features and underground coal mine fires, and in the late 1980s BHCC received approval from the WDEQ/LQD to permanently place nearly 10 million bank cubic yards of overburden over the area shown on Attachment 1 in an attempt to reclaim the subsidence and control the fire. That unique reclamation feature is known as the Pit 3 Subsidence Dump in Big Horn Mine's reclamation history. The proposed highwall mining will develop mine openings in the Carney and Masters coal seams beneath the Monarch seam in areas that are known to still exhibit evidence of underground coal fires. Plumes of steam and smoke have been observed again over the general area of Sections 10 and 15 this winter of 2016-2017. These observations indicate that, in certain places, the perimeter of the historic subsurface coal seam fires has expanded notable distances from the referenced 1980 boundary delineation.

The subsidence control plan of Addendum MP-6 does little to guarantee the long-term protection of BHCC's surface estate especially where highwall mining panels will be driven beneath underground coal mine fires having a long history of activity. Section MP-6.2 of Addendum MP-6 provides numerical calculations for subsidence chimney heights, but there is no investigation of the potential that the historic mine fires may have compromised the structural integrity of strata underlying the fires and overlying the coals targeted for highwall panel mining (the interburden), leaving the interburden more prone to subside than normal. BHCC is particularly concerned and objects to highwall mining beneath or adjacent to pre-existing underground mine fires because of the potential for oxygen and water to be transmitted from the highwall mining openings to "hotspots" in the seams already burning via highwall trenches or via fractured or subsided interburden above the panel openings. BHCC strongly disagrees with the legitimacy of the plan stated in Section MP-6.4 of Addendum MP-6 which states "Backfilling will also be performed if it is determined that the introduction of water and oxygen could contribute to spontaneous ignition of the remaining coal not extracted from the highwall mining operations". BHCC contends it to be common knowledge in the mining industry that oxygen and water are key catalysts in causing spontaneous combustion in coal, whether the coal be in mine openings or in stockpiles. BHCC also believes that the introduction of additional water and air to a coal seam already on fire is especially problematic and even dangerous.

Section MP-6.3 of Addendum MP-6 commits to maintaining highwall mining mapping and subsidence documentation in a subsidence report that will be available for inspection. BHCC objects to the proposed Mine Plan not committing to freely submitting the highwall mining mapping and subsidence documentation report to all owners of surface estate within the Brook Mine permit area. BHCC also objects to the fact that the Subsidence

Monitoring and Assessment reporting of Section MP-6.3 does not include mapping, photographing and describing all evidence of surface or underground coal fires occurring within the Brook Mine permit area whenever such evidence becomes available throughout the life of the mining and post-mining periods.

Objection No. 5 – Section MP.15

Objection No. 4 above introduces the fact that the underground mine fires in this area are still burning and have expanded. Section MP.15 does not, in any way, address that the burned areas have expanded. A surface mine excavation that comes in contact with a historic mine fire could be catastrophic in many ways, including: impacting the safety of mine workers, damage to equipment, wildfire initiation, etc. BHCC believes this proposed Mine Plan has not adequately addressed surface mining activities that will occur near underground mines and insists that the Brook Mine operators must perform the necessary testing and analyses to prove that the proposed Mine Plan will not be impacted by historic mine fires. Specifically, attachment 1 provided with Objection No. 3 above shows that trench TR-1 is planned very near an area that was burning and is likely still burning. Given that the burned area has likely expanded, this area should not be disturbed at all.

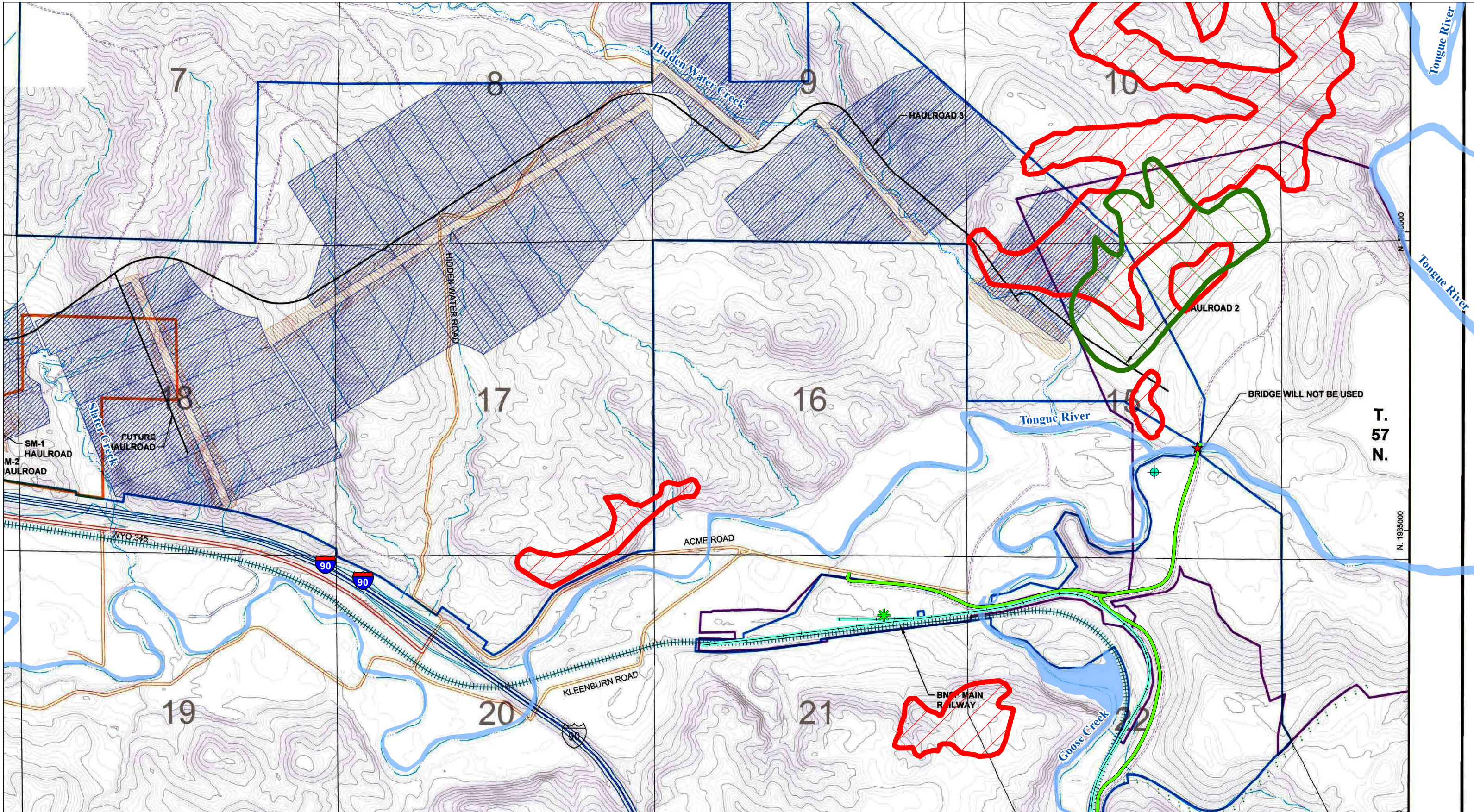
In conclusion, Big Horn Coal Company feels strongly that the Brook Mine permit application should not be approved or deemed technically complete. The mine and reclamation plan lack a significant amount of detail that is required for a technical completeness determination, as stated in the above mentioned objections.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jordan Sweeney', is written over a light blue circular stamp.

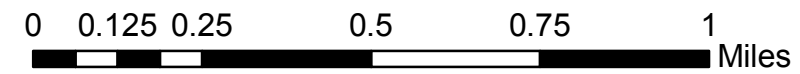
Jordan Sweeney
General Manager
Big Horn Coal Company

Attachment: BHCC Objection No.4 Attachment 1



Legend

- ★ Bridge
- ✱ Loadout
- ⊕ Shop
- Access Road
- Rail Siding
- ▨ Underground Fires Mapped From A March 1978 Aerial and Ground Survey
Source: U.S. Geological Survey Professional Paper 1164, 1980.
- ▨ Pit 3 Subsidence Dump From Historic BHCC Annual Reports



Big Horn Coal Company 10980 South Jordan Gateway South Jordan, UT 84095	
ATTACHMENT 1	
Sheridan County, Wyoming State Plane NAD 83 WYCC	
Drawn By: J. Sweezy	Scale: 1:18,000
Approved By:	Date: 4/21/2020
Revision:	Draw No.:
BHCC_Attachment_1	