

CJ Fisk

Please see the attached letter for comments from Prairie Eagle Land Company, LLC



Prairie Eagle Land Company, LLC
Belle Ayr Mine

June 30, 2023

Administrator of the Land Quality Division
Department of Land Quality, Department of Environmental Quality
200 W. 17th Street, Suite 10
Cheyenne, WY 82002
<http://lq.wyomingdeq.commentinput.com>

**Re: Objection/Complaint and Request for Informal Conference
Coal Mine Permit Renewal – Peabody Caballo Mining LLC, PT0433, TFN 7
1/153**

Dear Administrator of Land Quality:

In accordance with the Public Notice, Prairie Eagle Land Company, LLC (“Prairie Eagle”), as successor in interest to Eagle Specialty Materials, LLC (“ESM”), hereby submits its written objection to Application. As grounds therefore, Prairie Eagle states that Peabody does not have surface owner consent and the right of entry unto the coal mining permit area.

ESM, Prairie Eagle’s predecessor, purchased the surface of the coal mining area (the “Sale”) in the chapter 11 bankruptcy case of Blackjewel, LLC (“Blackjewel”), Case No. 19-30289 (Bankr. S.D. W.Va.) (the “Bankruptcy Case”). The Sale was “free and clear” of all liens, claims, encumbrances, and interests, including, without limitation, all easements, leases or subleases, rights-of-way, encroachments, obligations, and covenants running with the land.

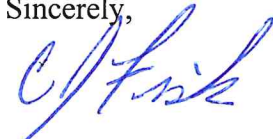
Further, the order entered in the Bankruptcy Case confirming the chapter 11 plan of Blackjewel expressly provided that all executory contracts and unexpired leases that were not assumed and assigned by Blackjewel were deemed rejected. The leases and other applicable agreements (collectively, the “Leases”) that previously provided Peabody with right of possession to coal mining permit area were not assumed and assigned to ESM. Accordingly, the Leases were deemed rejected/terminated.

Over the course of the last three years, a number of attempts have been made by Prairie Eagle to negotiate with Peabody for the continued use of the surface and entry into new leases, to no avail. The negotiations between the parties continue.

Based upon the foregoing, Prairie Eagle objects to the Application and requests that the Director hold an informal conference to hear the objection/complaint in accordance with Wyoming Statute (W.S.) 35-11-406(p) and the Department's Rules of Practice and Procedure.

Prairie Eagle reserves its right to object to the Application on other grounds and submit supporting documentation at the informal conference.

Sincerely,



CJ Fisk
Vice President
Prairie Eagle Land Company, LLC