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MONTANA FIRST JUDICIAL DISTRICT COURT
 LEWIS AND CLARK COUNTY

BULL MOUNTAIN LAND ALLIANCE and NORTHERN PLAINS RESOURCE COUNCIL, Plaintiffs, v. MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY, Defendant.	Cause No. <u>B DV-25-2025-0000736-DK</u> COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF Presiding Judge: Hon. Michael McMahon
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INTRODUCTION

1. Plaintiffs Bull Mountain Land Alliance and Northern Plains Resource Council (together, “Plaintiffs”) bring this action challenging the Montana Department of Environmental Quality’s (“DEQ”) administrative rules and entrenched practice of authorizing revisions to coal mine permits without public notice or opportunity for participation. By delegating to itself unfettered discretion to process permit revisions behind closed doors, DEQ violates Plaintiffs’ fundamental constitutional rights to know and participate in the operations of their government guaranteed by Article II, Sections 8 and 9 of the Montana Constitution, and fails to adhere to

Montana's public participation laws. Plaintiffs seek declaratory and injunctive relief under the Montana Uniform Declaratory Judgments Act ("UDJA"), Mont. Code Ann. §§ 27-8-101 et seq.

2. Pursuant to its administrative rules implementing the Montana Strip and Underground Mine Reclamation Act ("MSUMRA"), DEQ has authorized hundreds of revisions to coal mining permits pursuant to vague and ambiguous regulations that allow the agency to choose whether to process a proposed revision as a "major" revision subject to public participation requirements or a "minor" revision, which DEQ processes in secret. That decision process is neither transparent nor accessible to the public and interested stakeholders.

3. Plaintiffs represent ranchers, farmers, and landowners who operate family farms and ranches in the vicinity of coal mines regulated by DEQ. Plaintiffs' members depend on springs, livestock wells, and groundwater resources that have been and continue to be depleted by coal mining operations. They have a significant interest in DEQ's regulation of coal mines in the vicinity of their farms and ranches.

4. DEQ has authorized many coal mine permit revisions for the Bull Mountains Mine No. 1 (Permit No. C1993017), located in Musselshell County, approving modifications to surface water control plans, mitigation plans associated with springs and livestock wells, and monitoring and quality assurance plans. These plans are designed to protect water sources that Plaintiffs' members depend on to support their ranching and farming operations.

5. DEQ's MSUMRA regulations authorizing revisions to permits with no notice or opportunity to be heard are unlawful under Montana's public participation statutes and infringe fundamental constitutional rights by depriving Plaintiffs and their members of adequate notice of permit revision applications, agency deliberations, and any meaningful opportunity to examine documents or participate in decisions of significant interest to them and to the broader public.

6. Plaintiffs seek relief from this Court to protect and vindicate their fundamental constitutional rights.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction pursuant to Mont. Code Ann. § 3-5-302, which vests district courts with original jurisdiction in all civil matters.

8. This Court has jurisdiction to grant declaratory relief pursuant to the UDJA, Mont. Code Ann. §§ 27-8-101 et seq.

9. Pursuant to Mont. Code Ann. § 25-2-126, venue is proper in Lewis and Clark County because DEQ is headquartered in Helena, many of the challenged practices occurred and are implemented in Helena, and this action seeks declaratory relief against a state agency.

PARTIES

Plaintiffs

10. Founded in 1969, Plaintiff Bull Mountain Land Alliance (“BMLA”) is a nonprofit organization and founding affiliate of Northern Plains Resource Council that acts as a watchdog over agencies to safeguard land, air, and water from the impacts of coal-based energy development. BMLA members live, work, and recreate in areas harmed by the Bull Mountains Mine. BMLA’s members depend on springs, livestock wells, and groundwater resources that have been and continue to be affected by mining operations at the Bull Mountains Mine. BMLA and its members have a direct and substantial interest in DEQ’s decisions regarding permit revisions for the Bull Mountains Mine.

11. BMLA and its members have concrete interests in transparent, participatory permitting processes for coal mining operations that affect land, water, and air quality, including springs and livestock wells relied on by its members.

12. BMLA and its members have been deprived of adequate notice of mine permit revision applications submitted to DEQ, of DEQ's review and evaluation of such applications, and of any opportunity to examine documents or participate in DEQ's decision-making process regarding such applications.

13. Plaintiff Northern Plains Resource Council ("NPRC") is a Montana nonprofit organization with its principal place of business in Billings, Montana. NPRC is a grassroots conservation and family agriculture organization whose members include ranchers, farmers, and landowners throughout Montana, including in the Bull Mountains. NPRC's mission includes protecting Montana's water resources, family farms and ranches, and rural communities from the impacts of extractive industry development. NPRC's members own and operate ranching and farming operations in the vicinity of the Bull Mountains Mine. Their livelihoods depend on springs, livestock wells, and groundwater resources affected by operations at the Bull Mountains Mine.

14. NPRC and its members have concrete interests in transparent, participatory permitting processes for coal mining operations that affect land, water, and air quality, including springs and livestock wells relied on by members.

15. NPRC and its members have been deprived of adequate notice of mine permit revision applications submitted to DEQ, of DEQ's review and evaluation of such applications, and of the opportunity to examine documents or participate in DEQ's decision-making process regarding such applications.

16. A judicial ruling that DEQ's regulations authorizing coal mine permit revisions with no public notice or opportunity to participate violate Montana's public participation laws and

infringe Plaintiffs' constitutional rights to know and participate will redress injuries to NPRC, BMLA, and their members.

Defendants

17. Defendant DEQ is an agency of the State of Montana responsible for administering and enforcing MSUMRA, Mont. Code Ann. §§ 82-4-201 et seq. DEQ is authorized to promulgate administrative regulations implementing MSUMRA pursuant to Mont. Code Ann. § 82-4-205. DEQ has promulgated administrative regulations at Admin. R. Mont. 17.24.101 et seq. governing coal mining permits and permit revisions in Montana. DEQ reviews, evaluates, and approves or denies applications for revisions to coal mining permits pursuant to its administrative regulations.

LEGAL BACKGROUND

18. Montana has delegated authority to oversee coal mining within its borders from the federal Office of Surface Mining Reclamation and Enforcement ("OSMRE"). As a primacy state, Montana's regulatory program must comply with the federal Surface Mining Control and Reclamation Act of 1977 ("SMCRA"), 30 U.S.C. §§ 1201 et seq.; Mont. Code Ann. § 82-4-202(3)(a)(iv).

19. SMCRA established a "nationwide program to protect society and the environment from the adverse effects of surface coal mining operations . . . [and to] assure that the rights of surface landowners and other persons with a legal interest in the land or appurtenances thereto are fully protected from such operations . . ." 30 U.S.C. § 1202(a)-(b).

20. MSUMRA is expressly grounded in Montana's Constitution. *See* Mont. Code Ann. § 82-4-202(1).

21. DEQ's MSUMRA implementing regulations require applications for permit revisions to be submitted to DEQ for review: "(a) for any proposed change(s) in the operation as described in the original permit and subsequent revisions thereof; and (b) when required under ARM 17.24.414." Admin. R. Mont. 17.24.415(1).

22. An application for a permit revision that meets the definition of a "major revision" is subject to public notice and participation requirements. *Id.* 17.24.415(3)(b).

23. DEQ's administrative regulations define a "major revision" as any "change in the mining or reclamation plan revision that results in":

- (a) a significant change in the postmining drainage plan;
- (b) a change in the postmining land use;
- (c) a significant change in the bonding level within the permitted area; or
- (d) a change that may affect the reclaimability of the area or the hydrologic balance on or off of the permitted area.

Id. 17.24.301(66).

24. DEQ's regulations establish public notice and participation provisions applicable for applications for new permits and major revisions. *Id.* 17.24.401 – 405. An applicant must first publish a newspaper notice for four weeks, with the last publication triggering a 30-day public comment period. *Id.* 17.24.401(3)(d).

25. After determining that the permit revision is administratively complete, DEQ must also issue a written notification of:

- (i) the applicant's proposed activity and a description of the boundaries and location of the proposed activity;
- (ii) the application number;
- (iii) where a copy of the application may be inspected;
- (iv) the applicant's alternative postmining land use plans, if any; and
- (v) the fact that comments or objections to the application and requests for informal conference may be submitted and the address to which they may be submitted.

Id. 17.24.401(5)(a).

26. “Any person whose interests are or may be adversely affected . . . shall have the right to file written objections to an initial or revised application with [DEQ] within 30 days after the last publication of the newspaper notice required in ARM 17.24.401(3).” *Id.* 17.24.402(2).

27. A person whose interests are or may be adversely affected is entitled to request—within the 30-day period—that DEQ hold an “informal conference” on the permit revision, and—within 30 days of receipt of a request—DEQ shall hold an informal conference and notify all parties of its “decisions and reasons therefor within 60 days of the informal conference.” *Id.* 17.24.403(1)-(2), (4).

28. Once DEQ determines an application for a major permit revision is acceptable, it must again provide public notice and another opportunity for public comment. *Id.* 17.24.404(3).

29. DEQ’s administrative regulations define “minor revision” as “any change to the mine and reclamation plan not meeting the criteria for an amendment or major revision.” *Id.* 17.24.301(72).¹

30. The Montana legislature has “codified guidelines to protect Article II, Section 8, guarantees at Mont. Code Ann. § 2-3-101, et seq.” *Bryan v. Yellowstone Cnty. Elementary School Dist.*, 2002 MT 264, ¶ 24, 312 Mont. 257, 60 P.3d 381.

31. State agencies are statutorily required to develop procedures for “permitting and encouraging the public to participate in agency decisions that are of significant interest to the

¹ The 2023 Montana legislature passed House Bill 656 which adds statutory definitions of “major revision” and “minor revision.” Mont. Code Ann. § 82-4-203(33), (39) (2023). HB 656 also codified a new section of law related to an application for a minor revision. *See* Mont. Code Ann. § 82-4-229 (2023). While the House Bill 656 amendments have been codified, they are not operable and cannot take effect until OSMRE approves the statutory amendments to Montana’s program. The statutory changes proposed to be effectuated by House Bill 656 do not remedy the constitutional violations inherent in DEQ’s regulatory scheme for processing permit revisions.

public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.” Mont. Code Ann. § 2-3-103(1)(a).

32. Such procedures must include “a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision.” *Id.* § 2-3-111(1).

33. There is no public process required or prescribed by law for proposed permit revisions that DEQ considers to be “minor.”

FACTUAL BACKGROUND

34. All permitted coal mine operators in Montana submit revisions to DEQ on a regular basis that DEQ determines to be minor revisions subject to no public notice or opportunity to participate.

35. For example, the Bull Mountains Mine is operated under DEQ-issued permit No. C1993017 held by Signal Peak Energy. Over the life of the permit, DEQ has approved hundreds of permit revisions to the Bull Mountains Mine permit without any public notice or process by classifying the revisions as “minor.” *See Exhibit A* (DEQ spreadsheet of “minor revisions” approved for the Bull Mountains Mine permit between 2002 and 2025).²

36. In the past decade alone, DEQ has approved approximately 100 such revisions to the Bull Mountains Mine permit.

37. Prior to an applicant’s submission of a permit revision, it confers with DEQ to determine whether the revision can be processed as a minor revision. An applicant then submits

² DEQ prepared Exhibit A, which is a spreadsheet attached as “Attachment A” to its April 3, 2025 response to a Ten-Day Notice from OSMRE related to Plaintiffs’ December 19, 2024 citizen’s complaint to OSMRE.

its proposed revision on DEQ’s form “Surface Mining Permit Minor Revision Form.” DEQ may identify deficiencies with an application and exchange correspondence with the applicant. Once DEQ deems an application correct and complete, it may then proceed to approve the application.

38. DEQ prepares an Environmental Assessment for Minor Revision (“EA”) pursuant to the Montana Environmental Policy Act. DEQ does not post the EA for public review or comment.

39. Many of the revisions approved by DEQ for the Bull Mountains Mine permit with no public process have concerned modifications to surface water control plans, mitigation plans associated with springs and livestock wells, and the monitoring and quality assurance plan—all of which are incorporated into the permit—without notice or an opportunity to comment by either the public at large or the landowners whose water resources are the subject of the minor permit revision.

40. DEQ’s regulations do not require public notice of minor revision applications, DEQ’s review and evaluation of such applications, or DEQ’s decisions to approve or deny such applications.

41. DEQ’s regulations do not provide any opportunity for public participation in the minor revision process.

42. As one legislator has stated, “[t]he current definition in ARM for a “Minor Revision” is, essentially, anything that isn’t a major revision. That kind of ambiguity sets the stage for uncertainty for our mining industry, and an open door for litigation against the state when the Department exercises its discretion in applying this broad definition”³

³ *Comments re: HB 656 to OSMRE*, Gary W. Parry, House District 39 (Nov. 22, 2023).

43. NPRC and BMLA have repeatedly raised concerns with DEQ regarding its practice of approving substantial changes to the Bull Mountains Mine permit by classifying a revision as minor and approving it without public notice or opportunity for participation.

44. DEQ has failed to respond meaningfully to Plaintiffs' concerns.

45. In December 2024, NPRC and BMLA filed a citizen complaint with the OSMRE alleging that DEQ's use of minor revisions violates MSUMRA and the federal SMCRA.

46. OSMRE declined to take action on the citizen complaint, accepting DEQ's representation that it "evaluates" all proposed revisions to determine whether they meet the definition of major revision.

47. In response to concerns raised by Plaintiffs about DEQ's failure to provide a public process for permit revisions it considers to be minor, DEQ has provided the following rationale:

A minor revision as defined by ARM 17.24.301(72) means any change to the mine and reclamation plan not meeting the criteria for amendment or major revision. A major revision as defined by ARM 17.24.301(66) means any change in the mining or reclamation plan that: (a) results in a significant change in the postmining drainage plan; (b) results in a change in the postmining land use; (c) results in a significant change in the bonding level within the permitted area; or (d) results in a change that may affect the reclaimability of the area or the hydrologic balance on or off the permitted area. SPE, as well as all permitted coal mine operators, submit minor revisions to DEQ on a regular basis, of which no public process is required or prescribed by law.⁴

48. DEQ has no publicly available guidance document, manual, policy, or other written criteria governing how it determines whether a proposed revision is major or minor.

⁴ DEQ AM6 Written Findings and Notice of Decision for Bull Mountains Mine No. 1, Attachment 3, Response to Comments at C-64 (Aug. 1, 2024) (citing D. Walsh, Mining Bureau Chief, DEQ to J. Fleischman re: Signal Peak Energy, LLC (SPE) Complaint Dated December 14, 2022 at 10-11 (Jan. 18, 2023)).

49. The vague and ambiguous regulatory definitions of “major revision” and “minor revision,” coupled with the absence of any public process for minor revisions, has created a regulatory loophole that DEQ has exploited to approve hundreds of coal mine permit modifications without public oversight.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Right to Know and Participate (Montana Constitution Article II, Sections 8 and 9)

50. Plaintiffs incorporate all forgoing allegations.

51. Article II, Section 8 of the Montana Constitution provides:

Right of participation. The public has the right to expect governmental agencies to afford such reasonable opportunity for citizen participation in the operation of the agencies prior to the final decision as may be provided by law.

52. Article II, Section 9 of the Montana Constitution provides:

Right to know. No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in cases in which the demand of individual privacy clearly exceeds the merits of public disclosure.

53. Courts analyze the Article II, Sections 8 and 9 as “coextensive provisions.”

Citizens for a Better Flathead v. Bd. of Cnty. Commissioners of Flathead Cnty., 2016 MT 256, ¶ 39, 385 Mont. 156, 381 P.3d 555 (citing *Bryan*, ¶ 39.)

54. Montana’s constitutional delegates intended the right to participate to provide for “public awareness and access [which] seem to be the only tools to remind the great mass of public servants that their job is to serve the needs of the public and no other; they are paid by tax dollars to benefit the public above all else.” *Bryan*, ¶ 40; *id.* ¶ 44 (“It is evident from the comment to Article II, Section 8, that the delegates sought to expose the activities of those bureaucratic authorities which were once isolated from public scrutiny.”)

55. As the delegates to Montana’s Constitutional Convention provided:

The committee unanimously adopted this section in response to the increased public concern and literature about citizen participation in the decision-making processes of government. The provision is in part a Constitutional sermon designed to serve notice to agencies of government that the citizens of the state will expect to participate in agency decisions prior to the time the agency makes up its mind. In part, it is also a commitment at the level of fundamental law to seek structures, rules and procedures that maximize the access of citizens to the decision-making institutions of state government. The committee believes that this is eminently proper and that it will have a salutary effect not only on the quality of the final decisions, but more important, on the deliberative and political capabilities of the citizenry. It is hoped that this provision will play a role in reversing the dissatisfactions increasingly expressed regarding bureaucratic authority insulated from public scrutiny and participation.

Bryan, ¶ 40 (quoting Bill of Rights Committee).

56. Notice and opportunity to be heard are the “‘essential elements of public participation’ required by Article II, Section 8.” *Bitterroot River Protective Ass’n, Inc. v. Bitterroot Conservation Dist.*, 2008 MT 377, ¶ 21, 346 Mont. 507, 198 P.3d 219.

57. Article II, Section 9 was drafted by the Constitutional Framers in “broad and general terms.” *Nelson v. City of Billings*, 2018 MT 36, ¶ 17, 390 Mont. 290, 412 P.3d 1058 (citing Montana Constitutional Convention, Committee Proposals, February 22, 1972, p. 631) (“[T]he Bill of Rights Committee explained that the purpose of the provision was to ‘presume the openness of government documents and operations’ to combat ‘government’s sheer bigness[, which] threatens the effective exercise of citizenship.’”)

58. The right to examine documents may only be effectuated if the public has notice that documents exist and such documents are provided for examination prior to an agency’s decision. *See Bryan* ¶ 44 (“Such a superficial interpretation of the right to participate to simply require an uninformed opportunity to speak would essentially relegate the right of participation to paper tiger status in the face of stifled disclosure and incognizance. Given the tenor of the

delegates' insistence upon open government and citizen participation, we find it improbable that they envisioned and subsequently memorialized such a hollow right.”)

59. Admin. R. Mont. 17.24.301(72) defines “minor revision” in vague and ambiguous terms as essentially any proposed modification of a permit that does not meet the definition of a “major revision.”

60. The definition of the type of change to a mine or reclamation plan that constitutes a “major revision” is also vague and ambiguous and requires DEQ to determine—with no public input—for example, whether a proposed change is “significant” or whether it “may affect” reclaimability of the land post-mining or the hydrologic balance. Admin. R. Mont. 17.24.301(66).

61. Admin. R. Mont. 17.24.415(3) limits public participation on permit revisions to proposed revisions that DEQ considers to be major.

62. These regulations—Admin. R. Mont. 17.24.301(66), 17.24.301(72), and 17.24.415—operate together to deprive Plaintiffs and their members of reasonable opportunity for notice of and citizen participation in DEQ’s decisions regarding mine permit revisions that are of significant interest to the public.

63. DEQ’s regulations provide the agency with virtually unfettered discretion to determine whether a proposed revision is major or minor, with no statutory, regulatory, or policy guidance to cabin that discretion. DEQ exercises this discretion behind closed doors, without public input, and without providing the public notice of either the permit revision application or DEQ’s decision thereon.

64. NPRC and BMLA members have been deprived of notice of permit revision applications affecting the Bull Mountains Mine, notice of DEQ’s consideration and evaluation of such applications, access to documents and materials submitted in support of such applications,

and opportunity to submit data, views, or arguments regarding such applications prior to DEQ's approval of them.

65. DEQ's practice of classifying hundreds of permit revisions as "minor" pursuant to these regulations and approving such revisions without any public notice or opportunity for participation, violates Plaintiffs' and their members' constitutional right to know of and participate in the operations of their government.

66. Because they are guaranteed by the Montana Constitution's Declaration of Rights, Article II, Sections 8 and 9 are fundamental constitutional rights. *Montana Env't Info. Ctr. v. Dep't of Env't Quality*, 1999 MT 248, ¶ 63, 296 Mont. 207, 988 P.2d 1236.

67. As regulations that implicate fundamental constitutional rights, Admin. R. Mont. 17.24.301(66), 17.24.301(72), and 17.24.415 are subject to strict scrutiny. *Id.* ("any statute *or rule* which implicates that right must be strictly scrutinized . . .") (emphasis in original).

68. These regulations "can only survive scrutiny if the State establishes a compelling state interest and that its action is closely tailored to effectuate that interest and is the least onerous path that can be taken to achieve the State's objective." *Id.*

69. The challenged regulations do not serve a compelling state interest.

70. Even if a compelling state interest could be identified, the challenged regulations are not narrowly tailored to effectuate that interest.

71. The challenged regulations therefore violate Article II, Sections 8 and 9 of the Montana Constitution.

72. Plaintiffs are therefore entitled to declaratory relief that Admin. R. Mont. 17.24.301(66) and 17.24.301(72) are unconstitutional on their face and as applied, and injunctive

relief preventing DEQ from implementing Admin. R. Mont. 17.24.415 to deprive Plaintiffs of their rights to know and participate in the operations of their government.

COUNT TWO
Violation Public Participation Laws
(Mont. Code Ann. §§ 2-3-101 – 114)

73. Plaintiffs incorporate all forgoing allegations.

74. The Montana legislature has established “guidelines [] to secure to the people of Montana their constitutional right to be afforded reasonable opportunity to participate in the operation of governmental agencies prior to the final decision of the agency.” Mont. Code Ann. § 2-3-101.

75. To meet constitutional obligations to effectuate the public’s right to know and participate, state agencies are “statutorily required to develop procedures for ‘permitting and encouraging the public to participate in agency decisions that are of significant interest to the public.’ [] Such procedures must ensure ‘adequate notice’ and include ‘a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision.’” *Schoof v. Nesbit*, 2014 MT 6, ¶ 17, 373 Mont. 226, 316 P.3d 831 (citing Mont. Code Ann. §§ 2-3-103(1)(a), -111(1)).

76. The challenged regulations preclude Plaintiffs from participating in DEQ’s operations prior to it reaching a decision on permit revisions. The regulations neither provide for notice to Plaintiffs, nor do they provide Plaintiffs with an opportunity to submit data, views, or arguments prior to DEQ classifying revisions as major or minor or prior to DEQ approving revisions to permits.

77. Admin. R. Mont. 17.24.301(66), 17.24.301(72), and the limitations on public participation imposed by Admin. R. Mont. 17.24.415 are therefore unlawful, and Plaintiffs are

entitled to declaratory and injunctive relief declaring that the challenged regulations do not meet the requirements of Montana's public participation laws, Mont. Code Ann. §§ 2-3-101 – 114.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court:

1. Declare that Admin. R. Mont. 17.24.301(66) and 17.24.301(72) are unconstitutional on their face and as applied because they violate Article II, Sections 8 and 9 of the Montana Constitution;
2. Declare that Admin. R. Mont. 17.24.301(66), 17.24.301(72), and the limitations on public participation imposed by Admin. R. Mont. 17.24.415 violate Montana's public participation laws, Mont. Code Ann. §§ 2-3-101 – 114;
3. Permanently enjoin Defendant DEQ from approving any mine permit revisions pursuant to the challenged regulations without providing adequate notice and opportunity for public participation;
4. Order Defendant DEQ to comply with the Montana Constitution and public participation laws in processing all proposed revisions to coal mine permits under MSUMRA;
5. Award Plaintiffs their reasonable costs and attorney fees; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 19th day of November, 2025.

/s/ Barbara Chillcott

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EXHIBIT A

Year Received	Minor Revision Number	Decision Status	Description
2002	1	Approved	Construction of Guard shack by gate
2002	2	Approved	Placement of material (coaly shale and rock) from mine rehabilitation onto the highwall bench
2002	3	Approved	Revise Water monitoring plan; bring prospecting activities into SMP; and transfer prospecting bond to SMP bond
2002	4	Approved	Diversion Ditch around PM Fines Pile
2002	5	Approved	Bond Recalculation for incremental (or phased) bonding
2003	6	Approved	Revised design for Culvert C-4
2003	7	Approved	Relocation of some groundwater monitoring wells
2003	8	Approved	Update to Ownership and Control Section (address change)
2003	9	Approved	Relocation of some Groundwater Monitoring Wells
2003	10	Approved	Request to construct a smaller WDA (waste deposit area) than was permitted originally
2003	11	Denied	Extend date to complete water well installation
2004	12	Approved	Revise bond for addition of new monitor wells
2004	13	Withdrawn	Drill an additional well, approximately 1,000 feet deep
2004	14	Withdrawn	Revision to hydrophytic vegetation monitoring plan
2004	15	Withdrawn	Field Schedule for Aquatics Biomonitoring
2004	16	Approved	Revise Annual Report Due Date
2004	17	Approved	Drill a deep well to the Madison; revise operational plan, soil stockpile sites and sediment control
2004	18	Withdrawn	Revise wetlands vegetative monitoring plan
2004	19	Approved	Revise wildlife monitoring plan
2004	20	Withdrawn	Revise Phase II bonding calculation for Railroad loop
2004	21	Withdrawn	Revise aquatics monitoring plan
2005	22	Withdrawn	Revise Operating Plan and Map 308-1 in response to NON 04-17-01
2005	23	Approved	Extend Temporary Storage Area for coal processing waste in response to NON 05-17-01
2005	24	Withdrawn	Revision to proposed rail loop design
2005	26	Approved	Incised Pond for Madison Well test
2005	27	Withdrawn	Update permit to new rules pursuant to 17.24.1301
2005	28	Approved	Revision to 303 for new President
2005	29	Approved	Extend the total volume in the Temporary Materials Storage Area
2005	30	Approved	Allow stockpiling of coal in PM Fines area and enlarge other coal stockpile areas
2006	31	Approved	Portable Crushing Unit for use in Permit Boundary

Year Received	Minor Revision Number	Decision Status	Description
2006	32	Withdrawn	Run-of-Mine Coal Stockpile
2006	33	Withdrawn	Reclamation Bonding for new wells
2007	34	Withdrawn	Avian Protection Plan
2007	35	Approved	Permit Revision to comply with ARMS
2007	36	Withdrawn	Updated Maps and Addendum for the Waste Disposal Area and Waste Disposal Area No. 1 Pond
2007	37	Approved	Emergency Air Holes, Incidental Boundary Change (+40 acres)
2007	38	Approved	Temporary Material Storage Area
2008	39	Approved	Emergency Air Hole #4 and #5
2008	40	Approved	Temporary Material Storage Area
2008	41	Approved	Relocation and construction of four Coal Storage Silos
2008	42	Approved	Relocation of Preparation Plant, Thickener, Thickener Pond t2 and Coal Stackers
2008	43	Approved	Surface Disturbance of Soil Stockpile Area, Silo Construction area, Coal Stockpile Area and Sedimentation Pond D Area
2008	44	Approved	WDA Conveyor
2008	45	Approved	Relocation of Mine Office and Shop Buildings
2008	46	Approved	Temporary Location for two bathhouse trailers
2008	47	Approved	Addition of new soil storage stockpiles
2008	48	Approved	Removal of Well No. BMP42 from the Mine Monitoring Schedule
2008	49	Approved	Addition of Emergency Air Supply Boreholes 7 and 8
2008	50	Approved	Additional details on installation of Madison Deep Well #2
2008	51	Approved	Addition of two new roads
2008	52	Approved	Addition of Supplemental Service Terminal
2009	53	Approved	Blasting Plan
2009	54	Approved	Enlargement of ROM coal storage area
2008	55	Approved	Blasting Plan for Surface Operations.
2009	56	Approved	Office Water Well.
2009	57	Approved	Expansion of Run-of-Mine Coal Stockpile No. 1.
2009	58	Approved	Surface Water Control Plan update. Partial approval of culvert sizes.
2009	59	Approved	Laydown Area for Prep Plant Supplies.
2009	60	Approved	Madison Pond Soil Pile Location in PM Draw.
2009	61	Approved	Prep Plant Road redesign with Conveyor Underpass.
2009	62	Approved	WDA Pond #1 Re-design.
2009	63	Approved	Extension of Main Power Substation Pad.
2009	64	Approved	Track Scale installation in RR Loop.
2009	65	Approved	Change in Re-vegetation Seed Mixtures.

Year Received	Minor Revision Number	Decision Status	Description
2009	66	Approved	Expansion of Supplemental Supply Center.
2009	67	Approved	Revised Subsidence Monitoring Plan.
2009	68	Approved	Access roads and crane pads for WDA Conveyor Construction.
2009	69	Withdrawn	Re-design of WDA Pond #2.
2009	70	Approved	Relocation of Haul Road to WDA Subsoil Stockpile.
2009	71	Approved	Ferguson Electric Power Substation.
2009	72	Approved	Access Road to Track Scale.
2009	73	Approved	Water Line Route from Madison Well #2 to Madison Pond.
2009	74	Approved	Power line route to Supplemental Supply Center.
2009	75	Approved	Re-design of WDA.
2009	76	Withdrawn	Location of two Air Monitoring Stations.
2009	77	Approved	Addition of Lime to Coal Processing Waste.
2009	78	Withdrawn	Size of a culvert in PM Draw. Sized in MR 09-17-04.
2009	79	Withdrawn	Pumpable Roof Support Borehole Terminal.
2009	80	Approved	Fire Control Plan update.
2010	81	Approved	Add Fly Ash to Coal Processing Waste Material.
2010	82	Withdrawn	Change WDA Fill Limit.
2010	83	Approved	Add Fuel Storage Area to Mine Facilities.
2010	84	Approved	Revise the Location of Madison Well #3.
2010	85	Approved	Relocate Power Lines in WDA.
2010	86	Approved	Update Permit Volume 1
2010	87	Withdrawn	Two Dewatering Ponds.
2010	88	Approved	Surface Water Control at Crusher Area.
2010	89	Approved	Gob Seal Construction.
2010	90	Approved	WDA Haul Road #2
2010	91	Approved	Update Permit Volume 2
2010	92	Approved	Intake Air Portal.
2010	93	Approved	Blasting Magazine Location.
2010	94	Approved	Madison Pond #2.
2010	95	Approved	Additional Parking
2010	96	Approved	Corette Fly Ash
2010	97	Approved	Update Permit Volume 3
2010	98	Approved	Surface Water Control add culverts.
2010	99	Approved	Update Permit Volume 4
2010	100	Approved	Bury Mad Well 2 Pipe
2010	101	Approved	Update Permit Volume 5
2010	102	Approved	Temporary Laydown in Permanent Facilities
2010	103	Approved	Removal of Comanche Basin Load Out area from permit
2010	104	Approved	Concrete Access Borehole.

Year Received	Minor Revision Number	Decision Status	Description
2010	105	Approved	Rock Dust Borehole.
2010	106	Approved	Pond B Spillway Changes.
2011	107	Approved	Pumpable Crib Pad.
2011	108	Approved	Update Permit Addendum 1
2011	109	Approved	Rock Stockpiles
2011	110	Approved	Pad Under ROM Belt
2011	111	Withdrawn	Addendum #15
2011	112	Approved	Add Culvert F-8
2011	113	Approved	Temporary Stockpile Compacting Testing Plan
2011	114	Approved	Update Addendum 5
2011	115	Approved	Underground Fly Ash
2011	116	Withdrawn	Stockpile #2 Pad Extension
2011	117	Approved	Update Addendum 10 thru 13
2011	118	Approved	Update Addendum 14
2011	119	Approved	Update Addendum 9
2011	120	Approved	Shield 36 Planned Borehole
2011	121	Approved	Re-design WDA Pond 1
2011	122	Approved	Re-Write of Reclamation Plan
2011	123	Approved	Removal of Old Permit Volume 11A
2011	124	Approved	Re-design Pond A
2011	125	Approved	Move Fly Ash Bin
2011	126	Withdrawn	Borehole #27
2011	127	Approved	Plant Storage & Office Building
2011	128	Approved	Boreholes #27A & #28
2011	129	Approved	Five Culvert Locations; 17 Drainage Road
2011	130	Approved	Portal Fuel Station Conc Pad
2011	131	Approved	Borehole #30
2011	132	Approved	Loadout Turn-A-Round Road
2011	133	Approved	17 Drainage Secondary Access Road; Pump Pad 2
2011	134	Approved	Emergency BH31-36
2011	135	Approved	Incidental Bndry Change; Intake Portal Rd
2011	136	Approved	Pond E Redesign
2012	137	Approved	Boreholes 37-49
2012	138	Approved	Update Ownership
2012	139	Approved	Weed Control Plans
2012	140	Approved	Install Fan at Intake Portal
2012	141	Approved	Nitrogen Generators and Borehole #50
2012	142	Approved	Stockpile 1A Perimeter
2012	143	Approved	Discontinue Dunn Mtn. Precip Station
2012	144	Approved	Borehole #51
2012	145	Approved	Reclaim Test Pit Diversion
2012	146	Approved	New Power line

Year Received	Minor Revision Number	Decision Status	Description
2012	147	Approved	Mad Well 1A and Waterline
2012	148	Approved	Subsidence Repair; typical figures, reclamation plans
2012	149	Approved	Soil Cement Building & Freeze Agent
2012	150	Approved	Redesign Pumpable Crib Pad #2
2012	151	Approved	Steel Water Line
2012	152	Approved	Borehole 29B
2012	153	Approved	Update to Table 314-9
2012	154	Approved	Pumpable Crib Pad 3 and New Fan Install
2012	155	Approved	Remove Mercury Monitoring from Table 314-9
2012	156	Approved	Mitigation BH 52
2012	157	Approved	Revisions to Hydrologic Monitoring Plan
2012	158	Approved	Boreholes #53-#56
2012	159	Approved	Boreholes #57-#58
2012	160	Approved	Borehole #59
2013	161	Approved	Wildlife Monitoring Plan
2013	162	Approved	Pump Pad 2, Sodium Silicate
2013	163	Approved	Underground ROM Tank
2013	164	Approved	Tire Building
2013	165	Approved	Borehole #60
2013	166	Approved	Pumpable Crib Pad #4
2013	167	Approved	WDA Parking Area
2013	168	Approved	Upgrade Surface Water Monitoring Station 11756
2013	169	Approved	Recovery Room Pad
2013	170	Approved	Borehole #105
2013	171	Approved	Temp Mitigation of Spring 17185
2013	172	Approved	Borehole #106
2013	173	Approved	Stockpile 1A
2013	174	Approved	Mine Water Line and Borehole #107
2013	175	Withdrawn	Borehole #108 - 109
2013	176	Approved	Borehole #108 - 111
2013	177	Approved	Recovery Room Pad Power Line
2013	178	Approved	Update Operations Plan for Additional Boreholes on Existing Pads
2013	179	Approved	Retaining Wall and Containment on Fan Pad
2013	180	Approved	Storage Building and Clean Out
2013	181	Approved	Water Quality Meter Update
2013	182	Approved	Coal Conservation Plan Update
2013	183	Approved	Plant Parking Lot
2013	184	Approved	Rock Stockpile 1A
2013	185	Approved	WDA Headhouse Move
2013	186	Approved	Installation of 5 supplemental wells
2013	187	Approved	Mobile fuel stations

Year Received	Minor Revision Number	Decision Status	Description
2013	188	Approved	Update Table 304(5)-10
2013	189	Approved	Update Underground Mining Section of Volume 5
2014	190	Approved	Update Stockpile 1A
2014	191	Approved	Prospecting Plan Inside Mine Permit Boundary
2014	192	Approved	Stockpile 1A Belts
2014	193	Approved	As Built WDA Pond
2014	194	Approved	Plant Office Utilities
2014	195	Approved	Pond F As-Built
2014	196	Approved	Culverts Scale House
2014	197	Approved	WDA Concrete Pad
2014	198	Approved	Stream Monitoring Sites
2014	199	Approved	Stockpile 1A Expansion
2014	200	Approved	Crib Pad 5
2014	201	Approved	Plate Press Building
2014	202	Approved	MQAP Revisions
2014	203	Approved	Plate Press Water Lines
2014	205	Approved	Deep Underburden Model
2014	206	Approved	Legal Section Updates
2014	207	Approved	Insert Copy of Fed Mplan & R2P2 into Permit
2014	208	Approved	Access Agreement update – Appendix 303-3
2014	209	Approved	Culvert SP11-SP13
2014	210	Approved	Crib Pad 6 Pwr Line
2014	211	Approved	Plate Press Building Water Tank
2014	212	Approved	Trucked Coal Shipments
2015	213	Approved	Enlarge Rock Stockpile #1
2015	214	Approved	Replace Mon Well BMP003
2015	215	Approved	As-Built Subsidence
2015	216	Approved	Update Corporate Officers
2015	217	Approved	Fish and Wildlife Plan
2015	218	Approved	Culvert A-3
2015	219	Approved	Updated Federal Mineplan Approval
2015	220	Approved	Borehole 121 & Water Pipe
2015	221	Approved	Pond A As-built
2015	222	Approved	Culverts G-5 thru G-6
2015	223	Approved	Pond B As-built
2015	224	Approved	Pond D As-built
2015	225	Approved	Little Cook City Ranch Road Improvement
2015	226	Approved	Update MQAP Monitoring Wells
2015	227	Approved	WDA Pond #2 As-Built
2015	228	Approved	Monitoring Wells BMP 010 & 102
2015	229	Approved	New Firewater Line for Loadout and Silo

Year Received	Minor Revision Number	Decision Status	Description
2015	230	Approved	Update Well Completion Logs in Addendum 17 of Mine Permit
2015	231	Approved	Replace Sediment Samplers
2016	232	Approved	Madison Pond Backup Generator
2016	233	Approved	Road Crossing C-12
2016	234	Approved	Madison Pond Backup Generator Relocation
2016	235	Approved	Portal #5 Sump
2016	236	Withdrawn	Bull Spring Interim Mitigation Plan
2016	237	Approved	MQAP Revisions
2016	238	Approved	WDA Transfer Building
2016	239	Approved	Air Boreholes 122 & 123
2016	240	Approved	Rock Stockpile #1 Enlargement
2016	241	Withdrawn	MQAP Winter Text
2016	242	Approved	Supplemental Service Terminal Concrete Pad
2017	243	Withdrawn	Sources Temporary Mitigation
2017	244	Approved	Crushed Coal Pad Enlargement
2017	245	Approved	Plate Press Building 2
2017	246	Approved	E-Permit Submittal
2017	247	Approved	Air Ventilation Portal
2017	248	Approved	Boreholes 124 and 125
2017	249	Approved	Class III Cultural Rpt
2017	250	Approved	Frederick Billings Estate Coal Agreement
2018	251	Withdrawn	Suspend Winter MQAP Monitoring
2018	252	Approved	Fish & Wildlife Plan-Golden Eagle Nests
2018	253	Approved	Additions and Reductions to MQAP Monitoring Schedule
2018	254	Approved	Boreholes 126 and 127
2018	255	Approved	Boreholes 128
2018	256	Withdrawn	Permit Area Mineplan
2018	257	Approved	Gravel & Garbage Bins
2019	258	Approved	Temp Coal Storage for Repair of ROM Belt Structure
2019	259	Approved	Crusher Concrete Pad
2019	260	Approved	Stoker Coal Storage Pad
2019	261	Approved	Boreholes 129 and 130
2019	262	Approved	Overhead Power Crib Pad 7
2019	263	Approved	MQAP Revisions
2019	264	Approved	Borehole 131
2019	265	Withdrawn	WDA Suitable Material Details
2019	266	Approved	Crib Pad 7
2020	267	Approved	Air Borehole Pad at Crib Pad 6
2020	268	Approved	MQAP Revisions
2020	269	Denied	Weekly Spring Monitoring Revision

Year Received	Minor Revision Number	Decision Status	Description
2020	270	Approved	Weekly Spring Monitoring Per AOC, Docket No. SM-19-02
2020	271	Approved	Boreholes 132-134
2020	272	Approved	WDA Office Building
2020	273	Approved	Appendix 313-4 Supporting Documentation
2020	274	Approved	10R Ventilation Portal
2020	275	Withdrawn	Appendix 313-2, Additional Details for Livestock Wells
2020	276	Approved	Incidental Permit Boundary Change
2021	277	Approved	Add A4500-HB as an Alternate Method for pH Analysis (MQAP)
2021	278	Approved	Appendix 313-2, Additional Details for Livestock Wells
2021	279	Approved	Confirmation of plan for the Shortened-Width Panel 15
2021	280	Approved	Small Area of CM Mining
2021	281	Approved	As-Built for WDA Pond 3
2021	282	Approved	Update E-Permit with Previously Approved Maps
2021	283	Approved	Busse Interim Plan
2021	284	Approved	Update Corporate Officers Table
2021	285	Approved	PM Mine Monitoring Wells
2021	286	Approved	Small Railyard Pad
2021	287	Withdrawn	WDA1 Height Increase
2022	288	Approved	Madison Pond Soil Relocate
2022	289	Approved	17685 Remove Flume MQAP
2022	290	Approved	Boreholes 135-138
2022	291	Approved	As-Built Locations PM Mine Monitoring Wells
2022	292	Approved	Build an enclosed Wash Bay
2022	293	Approved	Incidental Boundary Change / Portal 4
2022	294	Approved	Legal Section Update / Ownership
2022	295	Approved	Prep Plan Office
2022	296	Approved	Bury WDA Pond 3 Pipeline
2022	297	Approved	Spring 71115, Appendix 313-2
2023	298	Approved	Replacement BMP 039 Monitoring Well
2023	299	Approved	Interim Plan 5 Springs per 2022 AHR evaluation
2023	300	Approved	Small Area of CM Mining
2023	301	Approved	Small Air Compressor Building on Crib Pad 7
2023	302	Approved	Crib Pad 8
2023	303	Approved	Crib Pad 9
2023	304	Approved	Clarify Mine Timing with Coal Vacatur and EIS
2023	305	Withdrawn	Crib Pad 8 Road
2023	306	Approved	Add a SHPO Concurrence Letter to Permit Record

Year Received	Minor Revision Number	Decision Status	Description
2023	307	Approved	Stoker Coal Loadout and Bin
2023	308	Approved	Update Appendix 314-3 to remove a typo
2023	309	Approved	Update Map 308-21 (Crib Pad 8) with As-Built
2023	310	Approved	Update to of a Secondary Road in WDA 1
2023	311	Approved	Zero Right Archaeological Report
2023	312	Approved	Interim Plan Spring 53755
2023	313	Approved	Small Addition to Existing Shop Building
2024	314	Approved	Interim Plan 4 SPE Springs per 2023 AHR evaluation
2024	315	Approved	Interim Plan Spring 16135 per 2023 AHR evaluation
2024	316	Approved	Update Mapping of Pillars and Entries within the Approved Mineplan Area
2024	317	Withdrawn	Small Area of CM Mining
2024	318	Approved	MSHA Air Boreholes 145-147
2024	319	Approved	MQAP Replacement Wells; Updates to Monitoring Plan
2024	321	Approved	Pond F Cleanout and Asbuilt
2025	322	Approved	Minor Updates to Appendix 313-2