

BY FAX (307) 777 - 6134 (amended - date of letter corrected)

To: Jim Ruby, Executive Secretary EQC Fax (307) 777 - 6134

From: Judith Bush tel / fax (613) 392 - 2313
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cc: Dave Freudenthal Governor of Wyo Fax (307) 632 - 3909
Don McKenzie Director DEQ LQD Fax (307) 777 - 5864

date: December 16, 2009

Re: Objection to Mine Permit of Croell Redi-Mix, Inc. TFN 5 6/072
Public Hearing in this matter Docket No. 09-4806

FILED

DEC 16 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

Failure of EQC to provide public notice of contested public hearing noted above for two consecutive weeks prior to the hearing taking place Environmental Quality Act 35 - 11- 406 (k)

Request for change in the scheduled date of upcoming public hearing from December 21, 2009 until after the New Year
Request that this hearing be held locally Crook County, in Sundance

Dear Mr. Ruby,

This letter is a follow-up to my letter to you dated December 12, 2009 (faxed to your office ~ 5:00 am your time on Monday, December 14, 2009

The Environmental Quality Act 35-11-406 (k) states:

- " An informal conference or a public hearing shall be held within twenty (20) days after the final date for filing objections unless a different period is stipulated to by the parties. The council or director shall publish notice of the time, date and location of the hearing or conference in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks immediately prior to the hearing or conference "

It is my understanding that the Environmental Quality Council is proposing to circumvent its failure to publish timely notice of the hearing scheduled to take place on December 21, 2009, by publishing a first notice in the Sundance Times on Thursday, December 17, 2009, five days before the hearing, and a second notice in the Sunday edition of either the Cheyenne or Casper newspaper on December 20, 2009, the day before the hearing.

This undermines both the letter and the intent of this provision, which is to provide timely public notice of the scheduling of a hearing. This is especially relevant at this time of year, when people's schedules fill up early and family obligations are paramount. Failure of the EQC to have provided timely notice of this hearing as set out above may prove a sufficient reason for a rehearing of this matter before the EQC.

I understand the concerns of the DEQ that the approval of an application should not be unduly delayed by techniques intended purely to stall the public process. This is not the case in this matter.

The general consensus of those people who oppose this application and are preparing to take part in the public hearing is that the the public is being treated shabbily and being unfairly and unreasonably rushed through this public process, to such an extent that the EQC did not even bother to fulfill its legal obligation to provide timely public notice of the hearing when it had ample time to do so. The EQC has the discretionary power to remedy this unreasonable situation, and it should do so. This looks a lot like government of the applicant, by the applicant and for the applicant.

Yours truly,


Judith Bush

Managing Partner, Bush Ranches