



# WYOMING MINING ASSOCIATION

P.O. Box 866  
Cheyenne, Wyoming 82003

October 20, 2010

Mr. Dave Searle  
Hearing Officer  
Environmental Quality Council  
Herschler Building  
122 25<sup>th</sup> St. Rm 1714  
Cheyenne, Wyoming, 82002

**FILED**

**OCT 20 2010**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

**Re: Designation of Sand Creek as a Very Rare and Uncommon Area**

Dear Mr. Searle:

The Wyoming Mining Association (WMA) would like to comment on the above referenced designation. WMA is a statewide trade association representing bentonite, coal, trona (which is processed into soda ash) and uranium producers in Wyoming. Wyoming leads the nation in production of all four of those minerals and accounts for 40% of the nation's coal and 90% of the nation's soda ash.

Due to other conflicts representatives of WMA will not be able to attend the hearing on October 27<sup>th</sup> and 28<sup>th</sup> in person. However, please know that WMA is strongly opposed to designating the Sand Creek area as Very Rare and Uncommon. The end result of any designation will only be to stop mining activity. There are many owners of mineral reserves in the Sand Creek area that will be harmed if the designation is made. We believe a designation as Very Rare and Uncommon will make it extremely difficult to develop any new mining operations. That could result in a taking of the property owned or claimed.

We understand that the Sand Creek area is a scenic area, but existing laws, rules, and regulations on how mining would be conducted will assure that mining will not unduly impact the scenic areas of Sand Creek. Any mining that is permitted would have many requirements placed on it that would assure the air, land and water would be protected. One only has to review some of the permits issued by the Department of Environmental Quality (DEQ) to see the many requirements that are mandated by the DEQ before mining is allowed to commence. One recent coal mine application took 16 three inch binders to contain the permit. It is also important to note that once the permitting process is completed, the review and oversight of the regulatory agencies does not stop. Each operation must submit an annual report and the DEQ must approve that report. In addition the DEQ inspects each of the mines to assure that they are adhering to conditions contained in their permit. The operator must post a bond to assure that the areas are totally reclaimed and then the DEQ monitors those areas after reclamation is complete to make sure the areas can return to their previous uses.

As stated above the Sand Creek area is indeed scenic, but the next valley over is also scenic. Indeed the entire Black Hills area is very scenic. The petitioners only want the Sand Creek area to be designated, because that is where mineral deposits have been discovered. With all of the historic mining in the Black Hills area, there are no doubt other areas that have mineralization. They just have not been

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explored to date. However, the companies and individuals that have gone to the effort and expense to explore and locate claims in the Sand Creek area should not have their property designated as Very Rare and Uncommon. The only result of a designation as Rare and Uncommon is to stop mining.

In conclusion, WMA urges the Environmental Quality Council to deny the petition to designate the Sand Creek area as Very Rare and Uncommon.

Thank you for your consideration of these comments.

Sincerely,  
WYOMING MINING ASSOCIATION

A handwritten signature in cursive script that reads "Marion Loomis".

Marion Loomis  
Executive Director