

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF OBJECTIONS BY)
KARLA OKSANEN, CAROL ROE, AND)
THE POWDER RIVER BASIN RESOURCE) Docket No. 00-4802
COUNCIL TO THE AMENDMENT OF THE)
RAG EAGLE BUTTE MINING PERMIT,)
PERMIT NO. 428-T3, TFN 3 4/ 159.)

ORDER

RAG Eagle Butte Mine filed a Motion for Temporary Relief from Permit Condition on January 17, 2001. This matter came before the Environmental Quality Council for oral argument on March 26, 2001 and for a decision at a public meeting held April 17, 2001 in Cheyenne, Wyoming. The Council members present at the meeting were Wendy Hutchinson, Nick J. Bettas, Robert Rawlings, Dr. Jason Shogren, Thomas Dunn, Olin D. Sims, and Lisa M. Lindemann. Terri A. Lorenzon, attorney for the Council, was also present at the meeting.

Karla J. Oksanen, Carol Roe, and Roxanne Andresen represented themselves at the hearing. Jill Morrison represented the Powder River Basin Resource Council. The Applicant, RAG Coal West Inc. was represented by Steve Laird, Esq. The State of Wyoming, Department of Environmental Quality, Land Quality Division was represented by John S. Burbridge, Esq., Assistant Attorney General.

The Council having reviewed the record and being fully advised hereby grants the temporary relief and orders:

1. RAG Eagle Butte Mine can blast, regardless of wind direction, up to 5,000 (five thousand) feet of the residences and business, located in the SW ¼ of Section 32 Township 51N. Range 72W. and the East ½ of Section 5 Township 50N. Range 72W., West of RAG's Southwest Extension area;
2. The Mine can blast, regardless of wind direction, up to 5000 (five thousand) feet of the residences and business on Hannum Road, located in the SW ¼ and SE ¼ of Section 4 Township 50N. Range 72W., South of RAG's Southwest Extension area; and

3. Blasting can occur within 5,000 (five thousand) feet if the wind is blowing away from the residences and business listed in paragraphs 1 & 2.

DATED this 4th day of May 2001.

FILED on May 4, 2001.

Robert Rawlings, Hearing Examiner
Environmental Quality Council
122 West 25th Street
Herschler Bldg., 1st Fl. West, Rm. 1714
Cheyenne, Wyoming 82002
Tel. (307) 777-7170
Fax. (307) 777-6134