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OCT 04 2006

Terri A. Lorenzon, Director  
Environmental Quality Council / 221



30 Sept 06

Administrator Land Quality Division  
Department of Environmental Quality  
Hershler Building  
122 West 25<sup>th</sup> Street  
Cheyenne, Wyoming 82002

RE: Lafarge West, Inc. mining permits- Sec 25 ,T15N,R74W-WG JN 05-07

Dear Administrator,

After reading the mining permit application from Lafarge, being the closest neighbor and being knowledgeable of the permit area and surrounding area for 27 years, we feel we must express certain concerns. Our concerns, questions, clarifications and need for further information are not meant to impede or stall the project but to dispute the analysis by Lafarge and consultants that are categorically incorrect, ignored or passed over in the application.

The first area of concern has to do with wildlife, with most attention directed towards the raptor population. Section D9-5, 4.1 addresses threatened and endangered species but specifically excludes discussion of protected species. Given that most raptors are protected, more information needs to be obtained on the effect of the proposed mine on these species. Lafarge did consult with Amber Travsky in regard to the wildlife issues and she made a blanket statement (D9-10,4.4) that "no active raptor nests were located on the permit area or within a 1.0-mile buffer". This statement is absolutely false. I spoke with Ms. Travsky two weeks ago and again this week informing her of her false statements and providing her with the correct information with regards to short eared owls (which to our knowledge have never been seen in the Laramie Valley until last year), Swainsons hawks, kestrels and great horned owls. I provided her with sighting information, nesting sites (including GPS locations), broods, seasonal changes in raptor habits, etc.. It is very interesting to us that she has never set foot on our property, has never called to ask questions and has never inspected any part of our property with regards to raptors or other wildlife. 99% of our property is within a one mile radius of the proposed mine site. There are 20-30 trees that are 20-50 feet in height and easily visible from the mining site and, in our opinion, should suggest to a casual observer potential nesting sites and habitat for raptors. When I talked with Ms. Travsky this week, she apologized for the statements and omissions and said she would send a new letter to Lafarge with correct information, definitive procedures for protection of these species and mitigation to be taken now and subsequently, if necessary. We have not seen this letter and would request that before any mining proceeds, we be given the opportunity to evaluate her suggestions, have our consultants evaluate the suggestions and respond accordingly. The other wildlife detail that at least needs to be addressed is the migratory pathway for elk from the Bull Mountain area to the Big Hollow and from Sheep Mountain to the Laramie Range. These are historic migration routes but are still utilized especially in the spring and fall by small numbers of elk. It should be noted, however, that as many as 250 elk have migrated across our property (at one time) within the past 1 1/2 years. We also had 75 elk on our property during most of the months of March and April of this year. All of this activity occurs within much less than 1/2 mile of the mining boundary, and some within feet.

The other area of major concern has to do with water and land quality. The proposed mine will result in drastic changes in the soil based aquifer that flows directly into the mining site. This aquifer flows directly across our property and is utilized for domestic and stock water. Any changes in the water table would result in severe consequences for us, including tremendous decreases in hay production (since much of the subsurface water reaches the root systems of the hay and alfalfa), a need for more surface irrigation water (which is not available) to make up the difference, the need for deeper wells below the proposed 15-18 foot mining depth, and potential abandonment of the property as a livable site. The studies that have been done by Lidstone and Assoc. are totally inadequate based

very simply on the fact that the studies were done with small pumps, small discharge hoses and were done over just a few days. The amount of water removed from the test sites does not come close to the amount of water to be extracted from the aquifer during mining operations. On the west side of our property there exists a pond very similar to the pond on the west boundary of the mining permit. We pump water from that pond for a few weeks in the summer to some of our irrigation systems at a rate of 385 gallons per minute. It takes approximately 24 hours to pump the pond to a low enough level to begin to affect surrounding ground water levels that extend to approximately 100-200 yards from the pond. Beginning in 1979 until 2005, in fact, our neighbor to the west asked me every July and early August to run my pump more often so as to pull water from his eastern hay field, part of which was under water. That would then allow him to cut his hay. This aquifer is the same that extends into the mining area. Also the plan, as we understand it, is to allow the pits which result from the mining operation to eventually be allowed to fill with water. Over the life of the project and given the acres involved, the water table to the west will decrease. It's very simple to figure out that a soil aquifer that is 10% penetrated with water (if left undisturbed) will fall if a pit located downstream exists that will be 100% penetrated by water. In addition to the water extraction from the mining site itself, Lafarge proposes to pump water from the existing pond on the western border of the permit for gravel washing. This pond sits within a few yards of our property and pumping this pond will further impact our water levels. It is very interesting that the Lidstone group admits in their assessment that the "potential impact of the mining operation on the alluvial aquifer is complicated by the uncertainty with respect to the storage coefficient" (D6-7). Also, on D6-6 Lidstone states "Therefore, care must be exercised when the average storativity value derived from the pump test is utilized in any prediction of the radius of influence". The point is, the Lidstone group and subsequently Lafarge have no idea what will happen given the tests that have been performed. It seems to us there should be some idea of the consequences. Because of the uncertainty and unknowns ( which were not documented at the time), we and Lafarge developed an initial agreement to help mitigate some of these issues as we understood them at the time. Unfortunately the data in the application to the DEQ was not available to us at that time. Since we obtained that data in late August 2006, it is even more apparent that problems are more severe than anticipated. The current agreement needs to be amended and I have several ideas that if adopted will allow the project to proceed and at the same time provide the protection necessary to us, the water and the land. I have spoken with Eric Reckentine this week about the need for these changes, but we have not had a chance to formalize anything as yet. Rather than go into detail about the amendments, I would request that before any mining occurs we be given the opportunity to develop changes in our agreement with Lafarge that will encompass the issues as outlined above.

We understand the 20 day requirement for a hearing after the comment period has expired. If we and Lafarge can work out solutions to the above issues, then we probably don't need a hearing unless so determined by the DEQ. Otherwise, I would request a hearing to go over the issues and find solutions to the problems. If a hearing is to be held, we shall be unavailable from October 13<sup>th</sup> until October 23<sup>rd</sup>. We apologize for the narrow window but have had only a short period of time since we obtained the data to evaluate the information, consult with the appropriate individuals and make decisions.

Thank you for you time and energy. If there are further questions, please don't hesitate to call us.

Sincerely,

  
Kenneth L. Robertson



Teeka G. Robertson  
307-742-4744  
307-742-4558  
307-760-1000





AGGREGATES, CONCRETE  
& ASPHALT



BB

September 13, 2006

Mr. Bill Hogg  
Land Quality Division  
Wyoming Department of Environmental Quality  
Hershler Building  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

**Subject: Affidavit from Newspaper for Notice of Lafarge Mining Permit Application  
TFN 4 6/221**

Mr. Bill Hogg:

Lafarge submits this letter and enclosed affidavit and copy of publication for Lafarge's Mining Permit Application TFN 4 6/221 in accordance with Wyoming Statute 35-11-406 (j). The affidavit is from The Laramie Daily Boomerang stating that the Public Notice was published for four consecutive weeks beginning on August 15, 2006 and ending September 5, 2006. A copy of the Public Notice is attached with the affidavit.

Please contact me at 303-657-4336 if you have any questions regarding this matter.

Sincerely,

Mark A. Vigil  
Land Planner

cc: Files



WESTERN U.S. REGION

10170 Church Ranch Way, Suite 200, Westminster, CO 80021

Office: 303-657-4000

Web: [www.lafargenorthamerica.com](http://www.lafargenorthamerica.com)

THE STATE OF WYOMING, }  
County of Albany } ss.

Public Notice

Lafarge West, Inc. of Westminster, CO has applied for a mining permit from the Land Quality Division of the Department of Environmental Quality for the State of Wyoming. The mining permit area for the mining of sand & gravel will be located in: S1/2 of the NW1/4, the SW1/4 of the NE1/4, and the S1/2 of Section 25, Township 15 North, Range 75 West of the 6th P.M. and the SW1/4 of Section 30, Township 15 North, Range 74 West of the 6th P.M. in Albany County, Wyoming. The Lafarge Talbott Pit is approximately 10 miles southwest of Laramie. The proposed operation is scheduled to begin November 15, 2006 and is estimated to continue until 2035. The land, after mining, will be returned to agriculture, grazing, and permanent water impoundment. Information regarding the proposed mining operation and reclamation procedures may be reviewed in the Office of the Land Quality Division of the Department of Environmental Quality in Cheyenne, Wyoming, the office of Lafarge West, Inc. in Laramie, Wyoming, or the Albany County Clerk's Office in Laramie, Wyoming. Written objections to the proposed mining operation must be received by the Administrator of the Land Quality Division of the Department of Environmental Quality, Herschler Building, 122 West 25th Street, Cheyenne, WY 82002, before the close of business on October 5, 2006. If an objection is submitted 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. The hearing shall be conducted as a contested case in accordance with the Wyoming Administrative Procedure Act (W.S. §16-3-101 through §16-3-115), and the right of judicial review shall be afforded as provided in that act. All parties as given in W.S. §35-11-406(j) will be mailed a copy of this notice. The Wyoming Oil and Gas Commission will be mailed a copy of the application mine plan map as required in W.S. §35-11-406(j).

Publish: August 15, 22, 29 and September 5, 2006

I, Dianne Galkatin, do solemnly swear that I am one of the publishers of *The Laramie Daily Boomerang*, a newspaper of general circulation published six times each week at Laramie, State of Wyoming; that the notice attached hereto, and which is a part of this affidavit and a part of the proof of publication, was published in said newspaper for four consecutive TUESDAYS, the first publication having been made on the 15th day of August, 2006, and the last one on the 5th day of September, 2006 that said notice was published in the regular and entire issue of every number of the paper, during the period and times of publication, and that the notice was published in the newspaper proper, and not in the supplement.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of September, A.D. 2006.

Dianne Galkatin  
SUBSCRIBED and sworn to before this 6th day of September, A.D. 2006.

Publication Fee \$ 214.40

