

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

FILED

JUL 18 2007

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF OBJECTION)
TO THE SMALL MINE PERMIT OF)
TELETRACTORS, INC., TFN 4 2/261)**

DOCKET NO. 07-4801

ORDER

THIS MATTER having come before the Environmental Quality Council on May 15, 2007, in Pinedale, Wyoming with Mark Gifford, Hearing Examiner, and Council members Richard C. Moore, Kirby Hedrick, and F. David Searle conducting the hearing and Council member Dennis Boal, fully reviewing the record of the proceeding and the evidence presented; and the Council being otherwise well advised in the premises, the Council finds as follows:

FINDINGS OF FACT

1. The Objector, Gordon Reno was in attendance at the hearing, and presented evidence related to the matter.
2. The applicant, Teletractors Inc., (Teletractors), represented by Mark E. Biffle, President was in attendance at the hearing and presented evidence related to the matter.
3. The State of Wyoming, Department of Environmental Quality, Land Quality Division (LQD) as represented by John Burbridge, Senior Assistant Attorney General was in attendance at the hearing and presented evidence related to the matter.
4. Teletractors, filed an application for Small Mine Permit, TFN 4 2/261.
5. The LQD determined that the application was complete, approved Permit TFN 4 2/261, and Teletractors published notice of the pending permit pursuant to WYO. STAT. § 35-11-406.
6. Objector filed a timely objection to the issuance of the permit. He objected to the application on the following grounds: "1) the traffic on county 23-133 is already a major issue what with the traffic generated by the gas field traffic," and "2) right adjacent to the proposed mine (gravel) site is the main 'put in' for floaters and fisherman on the New Fork River."
7. Teletractors' mine operation is within a half mile of a County Road 23-123. However, the mine permit boundary is set back 300 feet from the county road.
8. Teletractors did not specifically mail notice of the permit to Sublette County as a landowner within ½ mile of the mine operation.
9. The mine permit boundary excludes the river access area to the New Fork River.
10. The permit has a 50 foot setback from the irrigation ditch.
11. The permit has a 50 foot setback from the pipeline.
12. Teletractors' application is complete and Teletractors has met all the requirements for issuance of this permit.
13. The objector has not introduced any evidence to show that there is a reason for denial of the permit as provided by WYO. STAT. § 35-11-406 (m).

CONCLUSIONS OF LAW

1. The Environmental Quality Council has jurisdiction over the subject matter of and the parties to this proceeding.
2. The Environmental Quality Act, WYO. STAT. § 35-11-112(b)(iv) grants the EQC authority to conduct hearings in cases contesting permits, and WYO. STAT. § 35-11-112(c)(ii) provides authority to modify permits. The EQC conducts de novo hearings pursuant to the DEQ Rules of Practice and Procedure, the Wyoming Rules of Evidence, and the Wyoming Rules of Civil Procedure.
3. Teletractor's permit application meets the requirements of the Environmental Quality Act and the regulations pertinent to small mine operations.
4. WYO. STAT. § 35-11-406 (m) requires that a permit be granted if the applicant demonstrates that the application complies with the requirements of the Environmental Quality Act and all applicable federal and state law. The permit can only be denied for the enumerated criteria in § 35-11-406. Based on the above findings of fact, the Council concludes that the permit should be granted.
5. However, WYO. STAT. § 35-11-406(j) provides:

For initial applications or additions of new lands the applicant shall also mail a copy of the notice within five (5) days after first publication to all surface owners of record of the land within the permit area, to surface owners of record of immediately adjacent lands, and to any surface owners within one-half (½) mile of the proposed mining site .

The exact nature of the Sublette County's ownership interest in the road was not established at hearing, but the county did not receive the specific notice required by this statute for a landowner.

IT IS THEREFORE HEREBY ORDERED THAT Teletractors shall provide specific notice of its mine application to Sublette County or obtain a waiver of objection to the mine application. If Sublette County does not object within ten (10) days of the notice or if Teletractors obtains a waiver of objection, the Director of the Department of Environmental Quality shall issue Permit TFN 4 2/261 to Teletractors with no modification.

DATED this 18th day of July, 2007.



Mark Gifford, Hearing Examiner
ENVIRONMENTAL QUALITY COUNCIL
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CERTIFICATE OF SERVICE

I, Kim McGee, certify that at Cheyenne, Wyoming, on the 18th day of July, 2007, I served a copy of the foregoing **ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Gordon Reno
PO Box 598
Pinedale, WY 82941

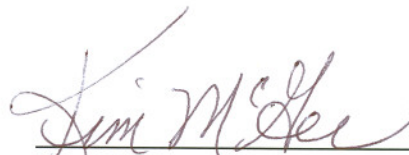
Teletractors, Inc.,
PO Box 1220
Pinedale, WY 82941

also to the following persons via interoffice mail:

John Burbridge
Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002

Richard Chancellor
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