

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) DOCKET NO. 07-4801
TELETRACTORS, INCORPORATED, TFN 4 2/261)

LEGAL BRIEF
Teletractors, Incorporated
Small Mine Permit TVN 4 2/261

Teletractors, Incorporated, pursuant to the Environmental Quality Council's request hereby submits its Legal Brief.

THE FACTS

Teletractors, Incorporated filed its small mine application with the Division, small mine permit application TFN 4 2/261. The Division has reviewed the application and determined that it is complete, in full compliance with Wyoming Law and is ready to issue the permit.

ARGUMENT

Two issues of concern have been identified: (1) Should Sublette County be identified as a property owner due to the easement on which County Road 23-123 is constructed? (2) Is the increased truck traffic on this rural county road a public nuisance or a health endangerment?

On (1) the issue of Sublette County as a property owner:

An easement is the right to use another persons land for a stated purpose. A right-of-way is a type of easement that gives someone the right to travel across property owned by another.

Kris Bacheller made numerous phone calls to county entities to get an interpretation on this matter. After discussing this with several entities that forwarded the request to other public officials, Mr. John Penton, the Superintendent of Road and Bridge Maintenance for Sublette county researched actual county documents and returned Kris' call. He states that the County does not purchase property. The county road in question was termed an "easement" in the early part of the document Mr. Penton was reading from but later it was called a "right-of-way-easement". To the best knowledge of Mr. Penton, this indicates the county did not purchase the property, but acquired an easement to build a right-of-way. By his best interpretation, Sublette County is not a property owner adjacent to the proposed mine site.