



THE STATE OF WYOMING
ENVIRONMENTAL QUALITY COUNCIL

October 15, 2008

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Joe Girardin,
Paralegal

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eqc](http://deq.state.wy.us/eqc)

CERTIFIED MAIL #70020460000298280905

RETURN RECEIPT REQUESTED

**Chuck Evitt
988 Rock Creek Rd.
Buffalo, WY 82834**

RE: Intermountain Construction & Materials, TFN 4 1/361—Docket No. 08-4805

Dear Mr. Evitt:

The Department of Environmental Quality (DEQ) has forwarded your objection to the application of Intermountain Construction & Materials, TFN 4 1/361, Docket No. 08-4805, for a mining permit to the Environmental Quality Council (the Council). As provided for in the Environmental Quality Act, the Council will set a time and place for a hearing on your objection. This hearing will be conducted pursuant to the provisions of the Environmental Quality Act, the Administrative Procedures Act, and the DEQ Rules of Practice and Procedure. The hearing will be conducted as a contested case, and all witnesses will be sworn, direct and cross examination will be the means of eliciting testimony, and all documents must be introduced as exhibits. You are not required to have an attorney represent you in this proceeding, although you may choose to have an attorney present your case. The DEQ will be represented by a member of the Attorney General's staff, John Burbridge, and Intermountain Construction & Materials may have counsel present.

The law requires the Council to hold a hearing on your objection within 20 days of the last day for filing objections, and this hearing must be held by October 31, 2008.

You have the option of proposing a continuance of the hearing date, however, all parties to the proceeding must agree to the continuance before the Council can extend the time. This is a condition that is set by statute. If you seek a continuance, please submit a written request to the Council along with evidence of DEQ's, Intermountain Construction & Materials, and any other objectors' agreement to the continuance.

A record of the hearing will be made by a court reporter and the decision on the permit application is appealable to a district court. Should you determine that you do not want a hearing on your objection, please notify me in writing of your decision. If a hearing regarding your objection is not held, your comment will remain a matter of record in the DEQ files, and the director of DEQ will consider the comment when he makes a decision on issuance of the Intermountain Construction Companies permit.

Please do not hesitate to call if you have questions concerning Council procedures. My phone number is 307-777-7170.

Sincerely,



Jim Ruby

Executive Secretary

JR/kw

cc: Don McKenzie

John Burbridge

John Corra

Intermountain Construction & Materials