



**MARK D. SULLIVAN, P.C.**  
LICENSED IN WYOMING & NEW YORK  
5237 HHR RANCH ROAD  
WILSON, WYOMING, 83014  
P. 307.733.2021, F. 307.732.9807  
EMAIL: MARK@MDSLAWOFFICE.COM

May 12, 2010

Mary Lankford, County Clerk and  
Sublette County  
Board of County Commissioners  
P.O. Box 250  
Pinedale Wyoming 82941

Re: The Bousman Gravel Pit

Dear Ms. Lankford and County Commissioners:

As you know, I represent residents of Boulder, Wyoming who are deeply disturbed by the McMurray Ready Mix gravel pit operated on property owned by Commissioner Bousman on County Road 353 (the "Bousman Pit").

In January, the Boulder Residents and I appeared before your Board to ask that you revoke the Conditional Use Permit for the Bousman Pit, citing the serious public health and environmental impacts that flow from the operator's repeated violations of the permit. At that time, the Board indicated that you would not consider such a request. Instead, Commissioner Cramer recommended that the Boulder Residents and the mine operator work together to develop mitigation measures.

In a good faith attempt to work with the pit operator McMurray Ready Mix Co., and in furtherance of the Board's suggestion, on January 18, 2010, I sent a proposal to counsel for McMurray, Harriet Hageman, recommending certain mitigation measures. Those measures were: (1) new loading hours for the existing pit of 9 am to 5 pm; (2) McMurray's commitment to provide sand and gravel, and to share the costs with the County, to improve Mathis Lane, which would then become the dedicated truck travel route to and from the Bousman Pit.

McMurray would not agree to share any costs of improving Mathis Lane, and instead would only agree to a reduced speed limit on Highways 133 and 113 and signs cautioning drivers against using jake-brakes. Since those items are not in their control, and would cost McMurray nothing, in sum, McMurray was not willing to give anything up whatsoever.

The existing 10-acre pit may be close to exhausting its supply of gravel. But, as you may be aware, McMurray has now applied to the State of Wyoming for a 335-acre strip mine permit at the Bousman Pit. The application contemplates that the mine will be operated until the year 2090 or beyond.

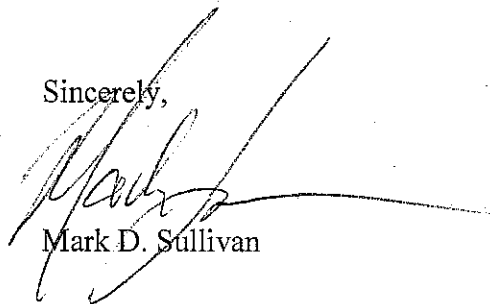
The mine permit application is fraught with problems, not the least of which is its likely impact upon sage grouse habitat and known leks. A recent study prepared by Wyoming Wildlife Consultants, LLC for industry players Shell, Questar and Ultra, demonstrated that sage grouse avoid heavily-traveled truck routes. There are existing sage grouse leks in the area, one on Goodwin property and two on Muddy Speedway. Mathis Lane would be a preferable truck route because it would not have as severe an impact on sage grouse leks and habitat.

Both the human and environmental impacts of the proposed mining operation can be mitigated by improving Mathis Lane, and making it the dedicated truck route. The County has an opportunity – now – to address this issue by requiring McMurray to share the cost of improving Mathis Lane. Given the applicant's unwillingness to cooperate with the Boulder Residents, and the known violations of the permit (hours of operation, dust suppression, and the pit size), you can and should exercise your authority to revoke the conditional use permit now. Upon re-application, if you are inclined to re-issue the permit at all, new conditions can be imposed, including a condition that would require the applicant to bear, or at least share, the cost of improving Mathis Lane.

At the very least, we ask that the County join the Boulder Residents in their opposition to the proposed mining permit application unless and until the applicant will agree to improve Mathis Lane and make it the dedicated truck route to and from the pit. 80 more years of mining on this site, with the attendant truck traffic down the muddy speedway, will seriously and adversely impact neighboring uses, and the sage grouse population in this area. We therefore implore the County demonstrate that it is prepared to protect both its residents, and a sensitive and imperiled species, by using every tool at its disposal to oppose this mine permit and require improvements to Mathis Lane.

I thank you for your consideration of this matter and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark D. Sullivan', with a long horizontal flourish extending to the right.

Mark D. Sullivan

Cc: Anthony Reyes  
Harriet Hageman