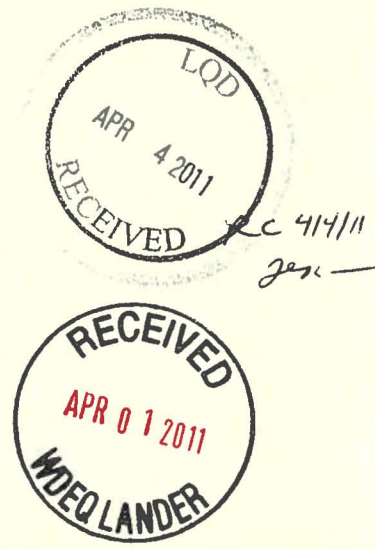


**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



March 31, 2011

Mr. Craig Smith  
Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520

*This file  
right side  
JW  
4/5/11*

RE: Small Mine Permit Application TFN 5 6/206

Dear Craig:

Pursuant to your letter to this company dated March 21, 2011, please find enclosed the following:

1. Affidavit of Publication of Second Public Notice.
2. Copies of Certified Mail, Letters and Receipts, to appropriate land owners of record as required by W.S. §35-11-406(j).
3. Affidavit of Harry E. Hughes attesting to all required notice matters.

Thanks for your assistance in completing the required notice procedures. Should you need additional information please contact me.

Respectfully submitted,

Harry E. Hughes, PE  
Managing Member

Encl: As noted

**Owl Creek Gravel Products, LLC**

**PO Box 783**

**Thermopolis, WY 82443-0783**

**Ph 307.864.3024**

**Fx 307.864.2689**

**E-mail: [owlcreekgravel@riconnect.net](mailto:owlcreekgravel@riconnect.net)**



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Matt M. and Teresa H. Brown  
1287 Owl Creek Road  
Thermopolis, WY 82443

Dear Mr. & Mrs. Brown:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**

**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



March 23, 2011

**SENT VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Holden Land Company, LLC  
24510 State Route 9 NE  
Arlington, WA 98223

Gentlemen:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

Owl Creek Gravel Products, LLC  
PO Box 783  
Thermopolis, WY 82443-0783  
Ph 307.864.3024  
Fx 307.864.2689

E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Johnny R. Jones  
4600 Chrystan Road  
Montgomery, AL 36109

Dear Mr. Jones:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

Owl Creek Gravel Products, LLC  
PO Box 783  
Thermopolis, WY 82443-0783  
Ph 307.864.3024  
Fx 307.864.2689

E-mail: [owlcreekgravel@rconnect.net](mailto:owlcreekgravel@rconnect.net)



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Everett and Lilly M. Seaton  
1334 Odell Avenue  
Thermopolis, WY 82443

Dear Everett & Lilly:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

**Owl Creek Gravel Products, LLC**

**PO Box 783**

**Thermopolis, WY 82443-0783**

**Ph 307.864.3024**

**Fx 307.864.2689**

**E-mail: [cwlcreekeravel@rtcconnect.net](mailto:cwlcreekeravel@rtcconnect.net)**



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Lenard Leroy Shumway  
1001 Owl Creek Road  
Thermopolis, WY 82443

Dear Leroy:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

**Owl Creek Gravel Products, LLC**

**PO Box 783**

**Thermopolis, WY 82443-0783**

**Ph 307.864.3024**

**Fx 307.864.2689**

**E-mail: [cwicreekaravel@tcconnect.net](mailto:cwicreekaravel@tcconnect.net)**



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Kenneth W. and Elizabeth A. Smith  
3225 6<sup>th</sup> Street  
Twin Lake, MI 49457

Dear Mr. & Mrs. Smith:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mining permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

Owl Creek Gravel Products, LLC

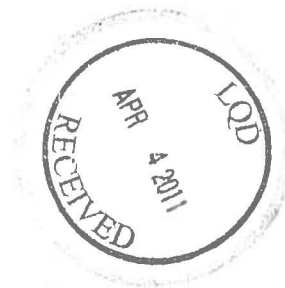
PO Box 783

Thermopolis, WY 82443-0783

Ph 307.864.3024

Fx 307.864.2689

E-mail: [owlcreekgravel@ricconnect.net](mailto:owlcreekgravel@ricconnect.net)



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

State of Wyoming  
Herschler Bldg., 2<sup>nd</sup> Floor West  
Cheyenne, WY 82002

To Whom it May Concern:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice



Owl Creek Gravel Products, LLC

PO Box 783

Thermopolis, WY 82443-0783

Ph 307.864.3024

Fx 307.864.2689

E-mail: [owicreekg gravel@rtcconnect.net](mailto:owicreekg gravel@rtcconnect.net)



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Benjamin T. and Jill Tonn  
1291 Jones Road  
Thermopolis, WY 82443

Dear Terry & Jill:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a copy of the Public Notice regarding a small mine permit application.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Public Notice

**Owl Creek Gravel Products, LLC**

**PO Box 783**

**Thermopolis, WY 82443-0783**

**Ph 307.864.3024**

**Fx 307.864.2689**

**E-mail: [owicreekgavel@rtcconnect.net](mailto:owicreekgavel@rtcconnect.net)**



March 23, 2011

**SENT VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Wyoming Oil & Gas Conservation Commission  
PO Box 2640  
Casper, WY 82602

To Whom it May Concern:

Pursuant to the requirements of W.S. §35-11-406(j), as amended, please find enclosed a Public Notice and a copy of the small mine permit application mine plan map.

Sincerely,

A handwritten signature in black ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: Mine Plan Map

699 3410 0001 0721 1099

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®  
THERMOPOLIS WY 82443

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *Mat & Teresa Brown*  
Street, Apt. No., or PO Box No. *1287 Owl Creek Road*  
City, State, ZIP+4 *Thermopolis, WY 82443*  
PS Form 3800, August 2006 See Reverse for Instructions

5550 3410 0001 0721 1099

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
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For delivery information visit our website at www.usps.com®  
THERMOPOLIS WY 82443

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *Terry & Jill Tonn*  
Street, Apt. No., or PO Box No. *1291 Jones Road*  
City, State, ZIP+4 *Thermopolis, WY 82443*  
PS Form 3800, August 2006 See Reverse for Instructions



6250 3410 0001 0721 0528

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®  
CHEYENNE WY 82002

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *State of Wyoming*  
Street, Apt. No., or PO Box No. *Herschler Bldg, 2nd Fl West*  
City, State, ZIP+4 *Cheyenne, WY 82002*  
PS Form 3800, August 2006 See Reverse for Instructions

6030 3410 0001 0721 0306

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®  
TWIN LAKE MI 49457

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *Kenneth Elizabeth Smith*  
Street, Apt. No., or PO Box No. *3225 6th Street*  
City, State, ZIP+4 *Twin Lake MI 49457*  
PS Form 3800, August 2006 See Reverse for Instructions

6211 3410 0001 0721 1211

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®  
THERMOPOLIS WY 82443

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *Lela Shumway*  
Street, Apt. No., or PO Box No. *1001 Owl Creek Road*  
City, State, ZIP+4 *Thermopolis, WY 82443*  
PS Form 3800, August 2006 See Reverse for Instructions

6228 3410 0001 0721 1228

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com®  
THERMOPOLIS WY 82443

Postage	\$ 0.44	0499
Certified Fee	\$2.80	04
Return Receipt Fee (Endorsement Required)	\$2.30	Postmark Here
Restricted Delivery Fee (Endorsement Required)	\$0.00	
Total Postage & Fees	\$ 5.54	03/23/2011

Sent To *Everett & Lilly Seaton*  
Street, Apt. No., or PO Box No. *1334 Odell Ave*  
City, State, ZIP+4 *Thermopolis, WY 82443*  
PS Form 3800, August 2006 See Reverse for Instructions

7009 3410 0001 0721 1235

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

MONTGOMERY AL 36109

Postage	\$ 0.44	0499	Postmark Here
Certified Fee	\$2.80	04	
Return Receipt Fee (Endorsement Required)	\$2.30		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 5.54	03/23/2011	

Sent To: *Johnny Jones*  
 Street, Apt. No., or PO Box No.: *4600 Chrystian Road*  
 City, State, ZIP+4: *Montgomery, AL 36109*

PS Form 3800, August 2006 See Reverse for Instructions

7009 3410 0001 0721 1251

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

ARLINGTON VA 98223

Postage	\$ 0.44	0499	Postmark Here
Certified Fee	\$2.80	04	
Return Receipt Fee (Endorsement Required)	\$2.30		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 5.54	03/23/2011	

Sent To: *Holden Land Company*  
 Street, Apt. No., or PO Box No.: *24510 State Route 9 NE*  
 City, State, ZIP+4: *Arlington, VA 98223*

PS Form 3800, August 2006 See Reverse for Instructions

7009 3410 0001 0721 1242

U.S. Postal Service™  
CERTIFIED MAIL™ RECEIPT  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CASPER WY 82602

Postage	\$ 0.44	0499	Postmark Here
Certified Fee	\$2.80	04	
Return Receipt Fee (Endorsement Required)	\$2.30		
Restricted Delivery Fee (Endorsement Required)	\$0.00		
Total Postage & Fees	\$ 5.54	03/23/2011	

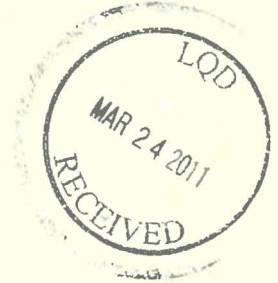
Sent To: *Wyo Oil & Gas Commission*  
 Street, Apt. No., or PO Box No.: *PO Box 2606*  
 City, State, ZIP+4: *Casper, WY 82602*

PS Form 3800, August 2006 See Reverse for Instructions



34

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



March 23, 2011

Mr. Craig Smith  
Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520

RE: Small Mine Permit Application (TFN 5 6/206) – Affidavit of Filing at County Clerk's Office

Dear Craig:

*See file 103 right side ee 3-25-11*

Please find enclosed a Notarized Affidavit of Public Filing of the referenced small mine permit application from the Hot Springs County Clerk.

Should you need any additional information please contact me.

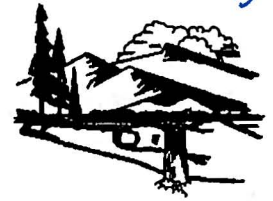
Respectfully submitted,

Harry E. Hughes, PE  
Managing Member

Encl: Affidavit of Public Filing



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Matt Mead, Governor

John Corra, Director

March 21, 2011

Mr. Harry Hughes  
Owl Creek Gravel Products, LLC  
P.O. Box 783  
Thermopolis, WY 82443



**RE: Owl Creek Gravel Products, LLC Small Mine Application; Technical Completeness; (TFN 5 6/206):**

Mr. Hughes,

The Wyoming Department of Environmental Quality, Land Quality Division has completed the Technical Review of your recent Small Mine Application submittal and responses to comments. At this time the application has been deemed technically complete and you may proceed with the 2<sup>nd</sup> public notice. Outlined below are the remaining elements that need to be completed before approval can be recommended for approval.

1. A copy of the application needs to be filed with the Office of the County Clerk in the county in which the proposed permit area is located no later than the first day of publication. **THIS COPY SHOULD BE REMOVED FROM THE COUNTY CLERK'S OFFICE AFTER PERMIT APPROVAL. Immediately following filing, submit an affidavit of filing from the Office of the County Clerk to the Land Quality Division.**
2. Publish a notice in a newspaper of general circulation in the locality of the proposed operation once a week for two (2) consecutive weeks (see sample format attached).
3. Mail within five (5) days after the first publication copies of the notice to all parties as given in W.S. §35-11-406(j), (as amended in 1995), and an application mine plan map to the Wyoming Oil and Gas Conservation Commission, PO Box 2640 Casper, WY 82602 or 2211 King Blvd Casper, WY 82604.
4. On completion of publication submit a sworn affidavit from the newspaper and a copy of the notice to the Land Quality Division.
5. As soon as possible and several weeks before the end of the public comment period, submit a sworn statement of mailing to the Land Quality Division. Please use the example affidavit of mailing which is attached.

Lander Field Office • 510 Meadowview Drive • Lander, WY 82520 • <http://deq.state.wy.us>

ABANDONED MINES  
(307) 332-5085  
FAX 332-7726

AIR QUALITY  
(307) 332-6755  
FAX 332-7726

LAND QUALITY  
(307) 332-3047  
FAX 332-7726

SOLID & HAZARDOUS WASTE  
(307) 332-6924  
FAX 332-7726

WATER QUALITY  
(307) 332-3144  
FAX 332-7726



If you have any questions or concerns regarding the permit application please do not hesitate to contact Craig Smith in the Lander Field Office.

Respectfully,



Craig Smith  
DEQ/LQD- District II  
Environmental Scientist

enc: sample public notice  
affidavit of mailing

xc: DEQ/LQD Cheyenne > TFN 5 6/206  
Mark Moxley, DEQ/LQD Lander > TFN 5 6/206  
Craig Smith, Chron file



## Public Notice

The Owl Creek Gravel Products, LLC of Thermopolis, Wyoming has applied for a small 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 gravel will be located in: Section 17, Township 43 North, Range 96 West, Hot Springs County, Wyoming. The proposed 61 acre mine permit area is approximately 10 miles northwest of Thermopolis, Wyoming adjacent to Jones Road. The proposed operation is scheduled to begin May 2011 and is estimated to continue until 2031. The land, after mining, will be returned to wildlife habitat and livestock grazing. 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 and Lander, Wyoming, the office of Owl Creek Gravel Products, LLC in Thermopolis, Wyoming, or the Hot Springs County Clerk's Office, Thermopolis Wyoming.

Upon request by an interested party, the Land Quality Division may schedule a public meeting to discuss the application. If such a meeting is scheduled, it must be prior to the date for the close of public comments. If concerns about the permit are not resolved by the Land Quality Division, 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 (Date 30 days after the last publication). 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 Conservation Commission will be mailed a copy of the application mine plan map as required in W.S. §35-11-406(j).





BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION

IN THE MATTER OF THE (TYPE OF PERMIT) )  
PERMIT APPLICATION OF (ENTITY), )  
TFN \_\_\_\_\_ )

**AFFIDAVIT OF (NAME OF AFFIANT)  
OF NOTICE**



I, (NAME), after being duly sworn upon my oath, deposes and states as follows:

1. I am appointed to the office of (POSITION), for (COMPANY). I am submitting this affidavit to comply with the sworn statement requirement in W.S. §35-11-406(j). In my capacity as (POSITION), I am responsible for ensuring that (COMPANY NAME) has complied with the notice requirements in W.S. §35-11-406(j) for the above-captioned permit application. This application is for a new noncoal small mine permit/amendment.
2. On (DATE), (COMPANY NAME) received notice from the Department of Environmental Quality, Land Quality Division that it has determined our application is complete and suitable for final publication.
3. On (DATE), (NAME OF NEWSPAPER) printed the first notice in the required two week sequence for final publication of this application. On (DATE), (COMPANY NAME) mailed a copy of the notice to all surface owners of record of the land within the permit area, to all surface owners of record of immediately adjacent lands, and to all surface owners within one-half (1/2) mile of the proposed mining site. On (DATE), (COMPANY NAME) mailed a copy of the application mining plan map to the Wyoming Oil and Gas Conservation Commission.

\_\_\_\_\_  
Signature

DATED \_\_\_\_\_

\_\_\_\_\_  
(TYPE NAME AND TITLE HERE)

STATE OF WYOMING )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

Subscribed, sworn to and acknowledged before me by \_\_\_\_\_  
on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires: \_\_\_\_\_

BB

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



*See file 1 of  
Right Side  
re  
3/22/11*

March 16, 2011

Mr. Craig Smith  
Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520

RE: Small Mine Permit Application (TFN 5 6/206) – Affidavit of Publication  
1<sup>st</sup> Notice

Dear Craig:

Please find enclosed a Notarized Affidavit of Publication for the first public notice for the referenced Small Mine Permit Application. We look forward to working with you to complete the remaining elements of the permitting process.

Thanks for your assistance during the preparation and review of this Small Mine Permit Application.

Respectfully submitted,

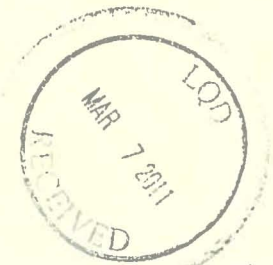
Harry E. Hughes, PE  
Managing Member

Encl: Affidavit of Publication

5 6/206

DB

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



re 3/7/11  
jen —

March 1, 2011

Mr. Craig Smith  
Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520



RE: Small Mine Permit Application – Response to Technical Review Comments  
TFN 5 6/206

Dear Craig:

We are writing this letter in response to your letter and memorandum dated February 15, 2011. Your comments have been thoroughly reviewed by the partners of this company. In addition, we have sought outside advice and counsel from our mining consultant as well as our attorney. Every effort has been made to respond precisely pursuant to the requirements of Wyoming statutes and regulations.

That being said, we offer the following responses to your technical review comments. The responses below correspond to the numbered paragraphs in your Technical Review Memorandum dated February 15, 2011:

1. A completed Form C-1 is attached.
2. Revised Reclamation Performance Bond Calculations are attached.
3. The requested written statement from Hot Springs Commercial Scales, LLC is attached.
4. The Surface Owner Consent cover page has been modified to reflect the requested written statement from Mr. Tonn, which follows the cover page.
5. We have been advised that the WYPDES discharge permit form that will be required for our proposed mine discharge is Form G, and we have attached this form for your reference. Owl Creek Gravel Products, LLC (OCGP) will not be mining below the water table until calendar year 2013 or later, depending on market conditions. We will complete the required WYPDES form six (6) months prior to any planned mining below the water table and forward an approved copy to you for your records. Attached is revised Appendix F, Other Permits cover page.
6. The requested language has been added to Appendix D-1, attached.
7. A revised Appendix D-7 (paragraph 1a) with updated soil descriptions is attached.
8. The requested language has been added to Appendix D-7, paragraph 1b, attached.



9. The requested commitment to strip, salvage and protect all available topsoil is included in revised Appendix D-7, paragraph 1c, attached.
10. We have no photographs of site vegetation at this time. We hereby commit to take photographs of existing vegetation at the site between April 15 and May 15, 2011 when new plant growth is visible. These photographs will include the date taken, a scale for reference, and will be submitted to you in electronic format.
11. Revised Map MP-1 showing the topsoil stockpile is attached.
12. A revised Mine Plan narrative with paragraph A7 modified is attached.
13. Revised Map MP-1 with corrected Pit progression labels is attached.
14. A revised Mine Plan narrative with paragraph C modified is attached.
15. A revised Mine Plan narrative with paragraph E2 added is attached.
16. A revised Mine Plan narrative with paragraph E3 added is attached.
17. A paragraph has been added to Item B of the Mine Plan which addresses water rights.
18. Please see Mine Plan, Item I, subparagraph 5.
19. A revised Reclamation Plan narrative is attached. Please see paragraph E subparagraph 2 for the recommended forb components in the seed mix.

As you review our response to technical questions, please contact me at your earliest convenience should you have any questions or need additional information. The easiest way to reach me is my cell phone, **307.921.8078**. Thanks for your assistance during the preparation of this response to comments.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Harry E. Hughes".

Harry E. Hughes, PE  
Managing Member

Encl: As noted

5/4/2016



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Matt Mead, Governor

John Corra, Director

February 15, 2011

Mr. Harry Hughes  
Owl Creek Gravel Products, LLC  
P.O. Box 783  
Thermopolis, WY 82443



**RE: Owl Creek Gravel Products, LLC Small Mine Application; Technical Review; (TFN 5 6/206):**

Mr. Hughes,

The Wyoming Department of Environmental Quality, Land Quality Division has completed the Technical Review of your recent Small Mine Application submittal. Attached please find the technical review comments. Please address each and return responses and changes along with a change index sheet (found on the DEQ/LQD website) to the Lander Field Office. Responses to these comments will be reviewed by LQD staff when received. If you have any questions or concerns regarding the technical review comments please do not hesitate to contact Craig Smith in the Lander Field Office.

Respectfully,

Craig Smith  
DEQ/LQD- District II  
Environmental Scientist

enc: Technical review memo

xc: DEQ/LQD Cheyenne > TFN 5 6/206  
Mark Moxley, DEQ/LQD Lander > TFN 5 6/206  
Craig Smith, Chron file

Lander Field Office • 510 Meadowview Drive • Lander, WY 82520 • <http://deq.state.wy.us>

ABANDONED MINES  
(307) 332-5085  
FAX 332-7726

AIR QUALITY  
(307) 332-6755  
FAX 332-7726

LAND QUALITY  
(307) 332-3047  
FAX 332-7726

SOLID & HAZARDOUS WASTE  
(307) 332-6924  
FAX 332-7726

WATER QUALITY  
(307) 332-3144  
FAX 332-7726



**Memorandum**

**To:** Owl Creek Gravel Products, LLC (TFN 5 6/206)  
**From:** Craig Smith; DEQ/LQD District II  
**Date:** February 15, 2011  
**Subject:** Technical Review Comments

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1. **Appendix C:** Please include a form C-1 (available on the DEQ/LQD website) that lists the legal PLSS quarter quarter descriptions and the acres in each parcel.
2. **Bond Calculations:** Your permit boundary now includes 61.51 acres since adding the topsoil storage area. Please refine your bond to account for the increase in permit size.
3. **Surface Owner Consent:** DEQ/LQD is aware that Owl Creek Gravel Products and Hot Springs Commercial Scales have common ownership however, please submit a written statement from Hot Springs Commercial Scales which allows Owl Creek Gravel Products to use the road across Hot Springs Commercial Scales property to access the mine site.
4. **Surface Owner Consent:** Thank you for submitting consent from Mr. Tonn for the topsoil stockpile area however, form 8 is not applicable for this situation. What is required is just a written and signed statement that Mr. Tonn is aware of the mine and reclamation plan and is agreeable for operations to occur on his land.
5. **Other Permits:** Since Owl Creek Gravel Products will be mining below the seasonal water table and you have a defined discharge point it is highly likely you will discharge water. You will be required to obtain a WYPDES discharge permit from DEQ/WQD. Please contact the Water Quality Division for permitting questions and forms.
6. **Appendix D-1, Land Use:** The archeology section mentions that this parcel was also previously used for hay production. Please add cultivated lands/farming to the pre-mine land use in Appendix D-1.
7. **Appendix D-7, Soils:** You state that the soils map for the permit area contains only one Map Unit (GA), but when examined two units are located within the permit boundary, GA and KSOA. Please revise to include a soil description for the KSOA soil Map Unit as well.
8. **Appendix D-7, Soils (Section 1.b):** Since most of the permit area has been cultivated at one point or another please include a statement acknowledging this fact and addressing any impacts cultivation could have on the soil characteristics at the mine site.



9. **Appendix D-7, Soils (Section 1.c):** This section states “the exact amount of material salvaged for use in reclamation will depend to some extent on market conditions since gravel products incorporate varying amounts of fine material...” While LQD recognizes gravel products need some fine material, you **must commit to stripping salvaging and protecting topsoil for reclamation.** The topsoil piles cannot be used for product. I would recommend for the very best reclamation results that you strip and save 12” of topsoil and stockpile it separately and 6” of subsoil and stockpile it separately and they use the remainder of the overburden for you fines and not touch the topsoil and subsoil piles. Please state the amount of topsoil Owl Creek Gravel will salvage, stockpile and protect in this section.
10. **Appendix D-8, Vegetation:** If you have any photographs of the mine permit area taken in the spring or fall please include them to show the general vegetative characteristics of the area.
11. **Mine Plan, Item A.3:** This section states that the topsoil stockpile areas are illustrated on the mine plan map however the areas could not be located on the map. Please revise the map to show the topsoil stockpile areas.
12. **Mine Plan, Item A.7:** Please remove the discussion of the scale facilities since they are not in the mine permit area.
13. **Mine Plan, Item A.8:** Pit progression is laid out on mine plan map MP-1 however, there are three pits labeled pit 4. Please re-label pits on mine plan map MP-1.
14. **Mine Plan, Item C:** Please see comment 8 and 10 for information concerning topsoil. A firm commitment is needed in this section as to how much topsoil will be salvaged for the sole purpose of reclamation and how it will be handled and where it will be stored. Again, for best success in reclamation 12” of topsoil and 6” of subsoil is recommended as a set aside for reclamation.
15. **Mine Plan, General comment:** Will fuel or oil be stored on site? If so how much? If over 1320 gallons in combination is stored on site a spill protection and counter measure control plan should be in place. Please address the previous questions in the mine plan.
16. **Mine Plan, General comment:** Please address what you will do with human waste (i.e. porta-poties) and what will be done with solid waste generated on site.
17. **Mine Plan, Item B:** DEQ/LQD is in agreement with Loren Smith of the SEO’s office in regards to leaving 24” of gravel material on the pit floor to convey the water out of the pit. However, please add a statement that addresses the following “if any water right is injured and it can be reasonably proven that Owl Creek Gravel Products mine facility is at fault, Owl Creek Gravel Products will replace the injured right.”

18. **Mine Plan, Item I:** Under direction of the Environmental Quality Council, LQD requests that Owl Creek Gravel Products make a written commitment and post signage at the permit entrance and exit that no Jake brakes will be allowed on Jones Road or Owl Creek Road.
19. **Reclamation Plan, Seed Mix:** The suggested seed mix in the reclamation plan lacks a forb component. Please add two forbs to the seed mix and cut the rabbitbrush rate in half. Suggested forbs include: annual sunflower, American vetch, blue flax, scarlet globemallow, rocky mountain beeplant, and western yarrow.







# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matt Mead, Governor

John Corra, Director

January 18, 2011

Mr. Harry Hughes  
Owl Creek Gravel Products, LLC  
P.O. Box 783  
Thermopolis, WY 82443



**RE: Owl Creek Gravel Products, LLC Small Mine Application; Administrative Completeness; (TFN 5 6/206):**

Mr. Hughes,

The Wyoming Department of Environmental Quality, Land Quality Division has completed the Administrative Completeness Review of your recent Small Mine Application submittal. At this time the package has been deemed complete. The four outstanding issues noted in a previous letter have been adequately addressed. Your application will now be reviewed for technical adequacy if any issues are found you will be notified by mail requesting changes to address any deficiencies. If you have any questions or concerns regarding the completeness review please do not hesitate to contact Craig Smith in the Lander Field Office.

Respectfully,

Craig Smith  
DEQ/LQD- District II  
Environmental Scientist

xc: DEQ/LQD Cheyenne > TFN 5 6/206  
Mark Moxley, DEQ/LQD Lander > TFN 5 6/206  
Craig Smith, Chron file



## Hill, Deanna

---

**From:** Smith, Craig  
**Sent:** Thursday, January 13, 2011 4:38 PM  
**To:** Hill, Deanna  
**Subject:** RE: form 1(s) question

Thanks,

Please change the acreage to 61.51 as per the updated survey and revision of the material. I sent a copy of revised materials to Cheyenne today via snail mail. Based on the contentiousness of what I have asked them to do already I really don't feel like asking them for another \$15 dollars so that may never get submitted. Thanks again, try to have a good Friday it's coming up on a three day weekend!

Craig

---

**From:** Hill, Deanna  
**Sent:** Thursday, January 13, 2011 3:24 PM  
**To:** Smith, Craig  
**Subject:** RE: form 1(s) question

Presently the acreage listed on the form is 60.025. 1) I can change the acreage to whatever and 2) they should submit the \$15 but if they do not it will not be the end of the world nor the bankruptcy of the state. We do \*(&@\*#(&q!!! transfers free. We have process 422 transfers since I was stupid enough to come to work here, 147 of them full fledged permits.

---

**From:** Smith, Craig  
**Sent:** Thursday, January 13, 2011 2:48 PM  
**To:** Hill, Deanna  
**Subject:** form 1(s) question

On TFN 5 6/206 the applicant has sent in a revision adding approximately 1.5 acres to the permit area for a total of 61.51 acres. Do you need a new p.2 of form 1(s) or can we cross out the old number and but in the new? Also additional fees for 1.5 acres = \$15, is this required? Thanks, Craig

Craig Smith  
Environmental Scientist  
WDEQ/LQD District II  
[csmith@wyo.gov](mailto:csmith@wyo.gov)  
307-332-3047

## Hill, Deanna

---

**From:** Hill, Deanna  
**Sent:** Thursday, January 13, 2011 3:24 PM  
**To:** Smith, Craig  
**Subject:** RE: form 1(s) question

Presently the acreage listed on the form is 60.025. 1) I can change the acreage to whatever and 2) they should submit the \$15 but if they do not it will not be the end of the world nor the bankruptcy of the state. We do \*(&@\*#(&q!!! transfers free. We have process 422 transfers since I was stupid enough to come to work here, 147 of them full fledged permits.

---

**From:** Smith, Craig  
**Sent:** Thursday, January 13, 2011 2:48 PM  
**To:** Hill, Deanna  
**Subject:** form 1(s) question

On TFN 5 6/206 the applicant has sent in a revision adding approximately 1.5 acres to the permit area for a total of 61.51 acres. Do you need a new p.2 of form 1(s) or can we cross out the old number and but in the new? Also additional fees for 1.5 acres = \$15, is this required? Thanks, Craig

Craig Smith  
Environmental Scientist  
WDEQ/LQD District II  
[csmith@wyo.gov](mailto:csmith@wyo.gov)  
307-332-3047

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**

BB  
RC 1/14/11  
Den -

LQD  
JAN 14 2011  
RECEIVED

RECEIVED  
JAN 13 2011  
WIDEQLANDER

Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520  
Attn: Mr. Craig Smith

January 12, 2010

RE: TFN 5 6/206 Completeness Review Response

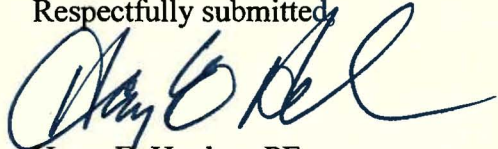
Dear Craig:

In response to your letter dated December 15, 2010 we offer the following (the numbered paragraphs correspond directly to the numbered paragraphs of your letter):

1. The area identified as "drainage parcel" is owned (fee simple) by Owl Creek Gravel Products (OCGP), LLC. Please refer to Appendix A, the second deed entitled "Warranty Deed and Covenant." Also included is the legal description for said parcel, containing 0.895 acres more or less. Based on the telephone conversation with you, it is my understanding that no additional information is required to address comment number 1.
2. Pursuant to the conference call among Mark Moxley, you, and me, OCGP agreed to include the topsoil stockpile area, owned by Benjamin T. and Jill Tonn, within the Permit Area. Accordingly, we have modified the adjudication maps (Appendices A, B, C, and E) as you requested. We have also included a page of labels with the notation "See Appendix C Map and Legal Description for Permit Boundary" which can be affixed to the other maps in both copies of the Permit Application received by DEQ.
3. Please see Appendix E map included. The map is on the USGS quadrangle and I believe it contains all of the information required by Guideline No. 6.
4. A tabulation of groundwater rights within three (3) miles of the Permit Area is included. As discussed with you, this list comes directly from the SEO database.

I will include these same documents in the two copies of the Permit Application retained by OCGP. Should you have any questions or need additional information please contact me at your earliest convenience. The easiest way to reach me is my cell phone, 307.921.8078.

Respectfully submitted,



Harry E. Hughes, PE  
Managing Member

Encl: As noted  
Cc: OCGP Partners





# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

December 15, 2010

Mr. Harry Hughes  
Owl Creek Gravel Products, LLC  
P.O. Box 783  
Thermopolis, WY 82443



**RE: Owl Creek Gravel Products, LLC Small Mine Application; Administrative Completeness Review; (TFN 5 6/206):**

Mr. Hughes,

The Wyoming Department of Environmental Quality, Land Quality Division has completed the Administrative Completeness Review of your recent Small Mine Application submittal. At this time the package has been deemed incomplete. Four outstanding issues were noted as a result of the review; see the attached memorandum for details of the outstanding issues. Please address each and return comments and changes along with a change index sheet (found on the DEQ/LQD website) to the Lander Field Office. When these issues are resolved your application will be deemed complete and the Technical Review will be initiated. If you have any questions or concerns regarding the completeness review please do not hesitate to contact Craig Smith in the Lander Field Office.

In addition this application has been assigned a temporary filing number TFN 5 6/206 for tracking purposes. Please refer to this number on all future correspondence.

Respectfully,

Craig Smith  
DEQ/LQD- District II  
Environmental Scientist

xc: DEQ/LQD Cheyenne > TFN 5 6/206  
Mark Moxley, DEQ/LQD Lander > TFN 5 6/206  
Craig Smith, Chron file



**Memorandum**

**To:** Owl Creek Gravel Products, LLC (TFN 5 6/206)  
**From:** Craig Smith; DEQ/LQD District II  
**Date:** December 15, 2010  
**Subject:** Administrative Completeness Review Comments

---



1. **Appendix A; Surface Ownership:** The area called out on the included maps as the “drainage parcel” and included in the permit area in appendix C appears to be on lands owned by Benjamin Tonn. Please address the ownership of this area and if applicable submit surface owner consent forms for this parcel of land. Also add this area to the Appendix A&B maps so they are consistent with the other maps in the submittal.
2. **Appendix C; Legal Description:** It was the understanding of DEQ/LQD that the topsoil pile that is currently located outside of the ET permit boundary would be included in the Small Mine Permit Boundary. By including the topsoil pile you would solve the problem of having disturbances outside the permit boundary and would have the topsoil pile covered under your reclamation liability bond. Please include the current topsoil pile area in the Small Mine Permit Boundary and submit the proper landowner consent forms, modify Appendix C to reflect the changes and, modify maps depicting the permit boundary.
3. **Appendix E; Permit Area Map:** No map is included in this section; maps in other sections are referenced. The referenced maps do not contain all the necessary information (oil gas and water wells, previously disturbed areas). Please complete and submit an Appendix E map and include your current 1488ET disturbance and all other required information.
4. **Appendix D-6, Hydrology:** Ground water rights are depicted on the included map D6-1 however please also include a written description of the ground water wells in the area. A print off of the State Engineers Database will satisfy this requirement.

*Ramona* *re* *st*

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**



November 29, 2010

Ms. Deanna Hill  
Mine Operations Analyst  
DEQ/LQD  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

*See file 1 of right side  
12/1/10*

RE: TFN 5/6/206

Dear Ms. Hill:

Per your request, I am returning the original copy of Form 3 (two pages) with my initials and date on the bottom of Page 1. I am also returning all four pages of the original Form 1(s).

Should you have any questions please contact me. My cell phone number is 307.921.8078.

Sincerely,

Harry E. Hughes, PE  
Managing Member

Encl: As noted

ROUTING REQUEST	
TO <u>Dee</u>	TFN <u>56/296</u>
<input checked="" type="checkbox"/> PREPARE RESPONSE	<i>Revised</i>
<del>CK's ok?</del>	<u>form 1 &amp; 3 ok?</u>
DATE <u>12/1/10</u>	FROM <u>Jen</u>

**Hill, Deanna**

---

**From:** Hill, Deanna  
**Sent:** Monday, November 29, 2010 8:56 AM  
**To:** Bilbrough, Carol; Hults, Craig; Moxley, Mark; Erickson, John  
**Subject:** Forms 1 & 3

All pages except the signatory page must be initialed and dated. Please ensure the application booklets you pass out have that form requirement. We returned Form 3, page 1, Owl Creek Gravel Products LLC, TFN 5/6/206, and Mr. Hughes just called to inform me he did not initial and date as the form does not require.

Thank you.





# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

November 26, 2010

Harry E. Hughes  
Managing Member  
Owl Creek Gravel Products LLC  
P.O. Box 783  
Thermopolis, WY 82443

**RE: Application for Conversion of ET1488 to a Small Mine Permit – TFN 5/6/206**

Dear Mr. Hughes:

Enclosed please find Form 3, page 1. Please initial and date and return to the attention of the undersigned. Also enclosed please find receipt no. 9528 acknowledging check nos. 1079 and 1080 for your application fees.

Should you have any questions, please do not hesitate to contact the undersigned (307-777-6910 or [dhill@wyo.gov](mailto:dhill@wyo.gov)).

Sincerely,

Deanna Hill  
Mine Operations Permit/Bonding Analyst  
Land Quality Division

DH:tf  
Enclosures  
xc: District II



**Mickle, Jennifer**

---

**From:** Mickle, Jennifer  
**Sent:** Tuesday, November 16, 2010 7:16 AM  
**To:** Smith, Craig; Christensen, Ramona  
**Subject:** RE: TFN request

Craig~

I assigned TFN 5 6/206 to this request. Please send the original package to our attention.

Thanks Jen

---

**From:** Smith, Craig  
**Sent:** Monday, November 15, 2010 3:14 PM  
**To:** Christensen, Ramona; Mickle, Jennifer  
**Subject:** TFN request

Hello,

Could I please get a TFN for a small mine application. It is a gravel operation in Hot Springs County. It will be for Owl Creek Gravel Products, LLC. They will be turning their 10 acre ET into a small mine the LMO permit number is 1488ET for their existing pit.

Thanks,  
Craig

**Owl Creek Gravel Products, LLC**  
**PO Box 783**  
**Thermopolis, WY 82443-0783**  
**Ph 307.864.3024**  
**Fx 307.864.2689**  
**E-mail: [owlcreekgravel@rtconnect.net](mailto:owlcreekgravel@rtconnect.net)**

RECEIVED  
NOV 15 2010  
WDEQLANDER  
RC 11/18/10  
jen

November 12, 2010

**SENT VIA PRIORITY MAIL**

Department of Environmental Quality  
Land Quality Division  
510 Meadowview Drive  
Lander, WY 82520

LOD  
NOV 18 2010  
RECEIVED

Attn: Mr. Craig Smith

RE: Small Mine Permit Application

- 5<sup>6</sup>/206

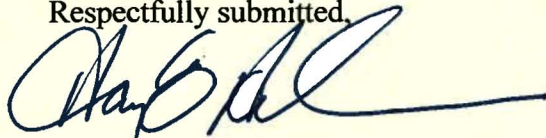
Dear Craig:

Please find enclosed the following:

1. The original and one complete copy of a Small Mine Permit Application for property owned by this company. As you know, an exemption permit already exists for this property, Permit 1488ET.
2. A check for \$700.00 for the application filing fee.
3. A check for \$25.00 for the License to Mine fee.

Should you have any questions or need additional information please contact me at your earliest convenience. The easiest way to reach me is my cell phone, 307.921.8078. Thanks for your assistance during the preparation of this application.

Respectfully submitted,



Harry E. Hughes, PE  
Managing Member

Encl: As noted