

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE OBJECTION )  
TO THE SMALL MINE PERMIT OF OWL ) DOCKET NO. 11-4801  
CREEK GRAVEL PRODUCTS, LLC )

**FILED**

**MAY 11 2011**

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

PERMITTEE'S OBJECTIONS TO WITNESS LIST

Comes now, Owl Creek Gravel Products, LLC, by and through its attorney, Mary A.

Throne, Throne Law Office, P.C. and objects to the following witnesses offered by Objectors:

Permittee objects to testimony from Joe Holden, Charles Holden, Leroy Shumway, Joe Campbell, and Katrin Colder, based on their failure to file timely objections. Allowing the testimony will circumvent the strict statutory time limits set forth in Wyo. Stat. 35-11-406(k) for filing objections to small mine permits. The testimony appears to be a means for allowing these individuals to voice personal objections, which according to the public notice should have been filed no later than April 20, 2011. The individuals are described as fact witnesses, but the summary of their testimony indicates they do not have any information relevant to Matt and Theresa Brown's objections or whether the proposed permit meets the requirements of the Wyoming Environmental Quality Act.

Permittee further objects to Katrin Colder's proffered testimony regarding the Duke Allen pit and the admission of exhibits related to the pit. The Duke Allen pit is not at issue here and information regarding that operation, which is located approximately three miles from the Owl Creek operation, has no bearing on whether the Department of Environmental Quality's particular proposed small mine permit for Owl Creek meets the requirements of the Wyoming Environmental Quality Act.

OWL CREEK'S OBJECTION TO WITNESS LIST

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DATED THIS 11th DAY OF May, 2011.

OWL CREEK GRAVEL PRODUCTS, LLC:



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of Permittee's Objections to Witness List were served by electronic mail, this 11<sup>th</sup> day of May, 2011, to the following:

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