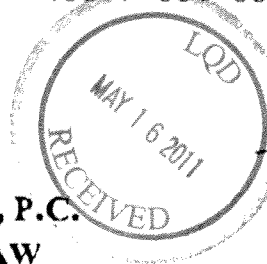


FILED

May 19, 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

**F. GASTON GOSAR, P.C.
ATTORNEY AT LAW**



*BEER LLC
FN 54191
HIGH PLAINS Ventures
56170*

SUMMIT BUILDING, SUITE 101
219 EAST PINE STREET
P.O. BOX 450
PINEDALE, WYOMING 82941

TELEPHONE (307) 367-3502
FACSIMILE (307) 367-3503
ggosar@centurytel.net

FACSIMILE TRANSMITTAL COVER SHEET

The information transmitted by this facsimile is considered attorney-privileged and confidential, and is intended only for the use of the individual or entity named below. If the reader of this message is not the intended recipient, you should be aware that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and destroy this facsimile.

-- Thank you.

FILED

May 20, 2011

Jim Ruby, Executive Sec
Environmental Quality C



To: Tanya King

Fax No. (307) 332-7726

From: F. Gaston Gosar

Re: High Plains Ventures Small Mining Application

Message: Attached is an objection letter requesting a hearing along with attachments referenced it the letter

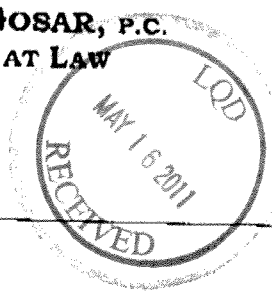
Date: May 13, 2011

No. of pages to follow: 9

F. GASTON GOSAR, P.C.
ATTORNEY AT LAW

SUMMIT BUILDING, SUITE 101
219 EAST PINE STREET
P.O. BOX 450
PINEDALE, WYOMING 82941

TELEPHONE (307) 367-3502
FACSIMILE (307) 367-3503
ggosar@centurytel.net



May 13, 2010

Tanya King
Wyoming DEQ/Land Quality Division
510 Meadowview Drive
Lander, WY 82520

Via Facsimile (307) 332-7726 and U.S. Mail

Re: High Plains Ventures, LLC Mining Permit in Sublette County, Wyoming.

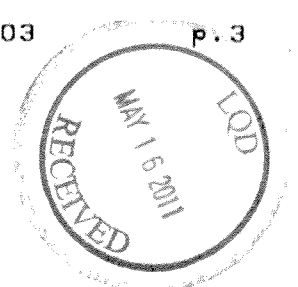
Dear Ms. King:

This letter will serve as an objection to the High Plains Ventures, LLC. application for a small mining permit located at 35 BD Boulevard approximately 3 miles north of Pinedale, Sublette County and a request for a public meeting.

I represent Mr. Ryan McGuire, a long time resident of Pinedale and the owner of lot one (1) and his mother Ladonna McLoughlin is the owner of lot two (2) of Barbara Estates Subdivision adjacent to BB Village Subdivision. The proposed access to the Binning gravel pit via BD Boulevard is accessed along both of the McGuire's lots. In review of the application, Mr. McGuire believes the applicant's permit does not adequately address the increased dust, noise and pollution from the expansion of the pit, increased truck traffic, safety of children within residential subdivisions, enforcement of speed limits and costs of maintenance of access roads.

The landscape in this area has changed dramatically since the Binning gravel pit was established in the late 1970's. When the Binning gravel pit was first established there were very few inhabitants and subdivisions in this area. Since the late 1970's, the surrounding area has seen substantial residential growth. The present gravel pit sits squarely within a host of subdivisions with approximately 186 owners within a half-mile radius of its location and is within close proximity to the new Pinedale Elementary School. The truck traffic, noise and dust will increase with an expansion of up to 200,000 cubic yards per year from the present 5,000 cubic yards affecting all inhabitants and wildlife within this area. At the present time Mr. McGuire advises that the truck traffic is constant and runs at all times of the morning and night. The noise, dust and air quality from increased mining operations and increased truck traffic will lead to a decrease in land value and will become a public nuisance which was seen at the McMurry pit near Boulder, Wyoming.

The proposed expansion of the Binning gravel pit will lead to more truck traffic, which will lead to increased maintenance costs of the access roads and safety for the many children and wildlife that live within affected and surrounding area. The inhabitants of the affected subdivisions should not have to subsidize the applicant for its expansion of operations or use of the access roads, regardless of the applicant's promises to maintain the road or limit its operations to certain times of the day.




Ms. Tanya King
May 13, 2011
Page 2

Finally, in reviewing the plats of BB Village and the Barbara Estates Subdivisions and the county records, I am not convinced that the applicant has a viable, legal access to the gravel pit. All roadways within the BB Village subdivision are "private, reserved for the use of the present owners and all owners of lots in this and adjoining subdivisions and their guests, to be used for access and installation and maintenance of public utilities." (See Notes of attached plat) Per the plat, neither the applicant nor the previous owner of the gravel pit fit these requirements for access along or for use of BD Boulevard. The previous owner recognizing this defect received easements for access along the westerly thirty (30) feet of lots 6, 7, 8, 9 from the owners of BB Village Subdivision. (See attached easements) From the Sublette County GIS aerial photograph showing the centerline of the right-of way easement, the applicant would not be able to access the gravel pit until these easements are built out to the full thirty feet on the above referenced lots. After the easements are built, the applicant's ingress and egress to and from the gravel pit would be limited to this constrained easement, which will undoubtedly lead to traffic and safety issues with other lot owners within the subdivision. Until clear legal title is provided by the applicant showing legal access to the Binning gravel pit the application should be denied.

If you have any questions, please do not hesitate to call.

Sincerely,

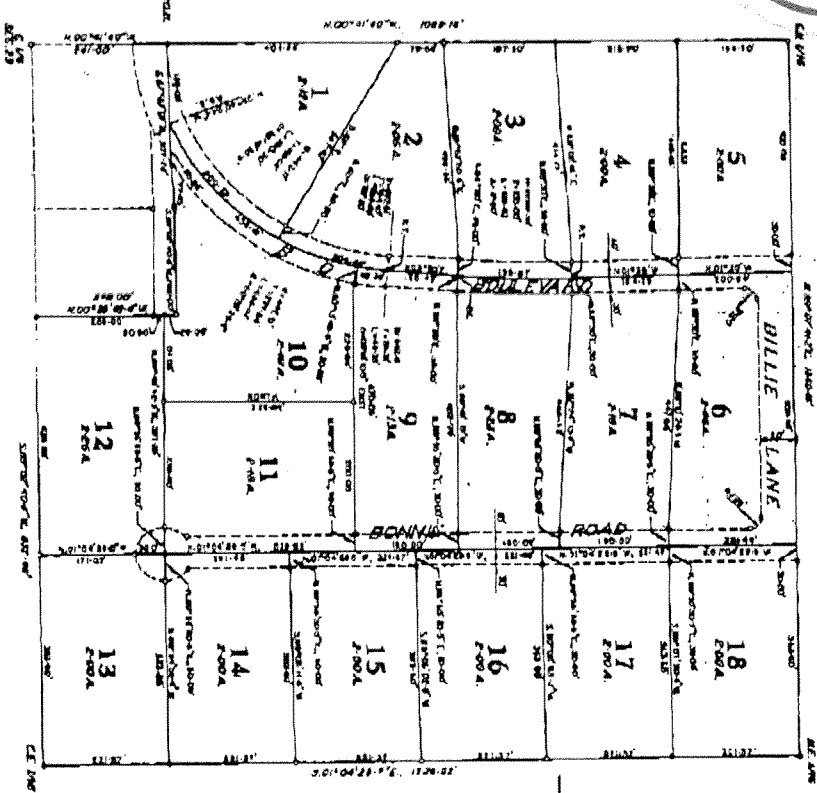
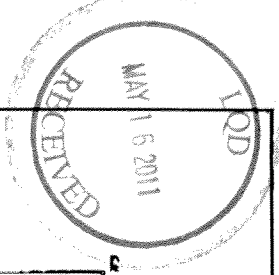


F. Gaston Gosar

FGG

Enc.

CC: Ryan McGuire



CERTIFICATE OF APPROVAL

STATE OF MONTANA
COUNTY OF SHELBY

I, the undersigned, being duly sworn, do hereby certify that the above and foregoing plat of lots and streets is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Shelby, Montana, and that the same has been approved by the Board of Supervisors of the County of Shelby, Montana, and that the same is in accordance with the provisions of the laws of the State of Montana relating to the subdivision of land.

[Signature]
County Clerk

CERTIFICATE OF APPROVAL

STATE OF MONTANA
COUNTY OF SHELBY

I, the undersigned, being duly sworn, do hereby certify that the above and foregoing plat of lots and streets is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Shelby, Montana, and that the same has been approved by the Board of Supervisors of the County of Shelby, Montana, and that the same is in accordance with the provisions of the laws of the State of Montana relating to the subdivision of land.

[Signature]
County Clerk

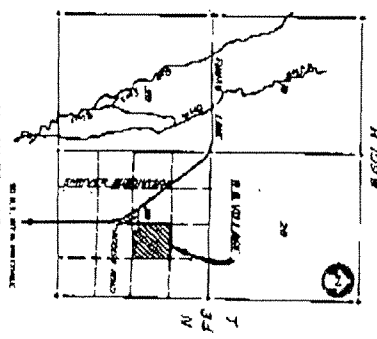
- NOTES**
- NO RECORDS PUBLIC SCHOOL, GAS, WATER, SEWER, OR OTHER PUBLIC UTILITIES SHOWN.
 - NO PUBLIC ADJUSTMENT OF EASEMENTS OR RIGHTS.
 - NO ADJACENT OWNERS HAVE BEEN ADVISED OF THE PRESENTING OF THIS PLAT.
 - ALL EASEMENTS, RIGHTS, AND INTERESTS IN THE LANDS SHOWN ON THIS PLAT ARE HEREBY RELEASED AND EXTINGUISHED.
 - THE PLAT IS SUBJECT TO THE EASEMENTS AND RIGHTS SHOWN ON THE PLAT.
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 - THE PLAT IS SUBJECT TO THE EASEMENTS AND RIGHTS SHOWN ON THE PLAT.

CERTIFICATE OF OWNER

STATE OF MONTANA
COUNTY OF SHELBY

I, the undersigned, being duly sworn, do hereby certify that the above and foregoing plat of lots and streets is a true and correct copy of the original plat on file in the office of the County Clerk of the County of Shelby, Montana, and that the same has been approved by the Board of Supervisors of the County of Shelby, Montana, and that the same is in accordance with the provisions of the laws of the State of Montana relating to the subdivision of land.

[Signature]
County Clerk

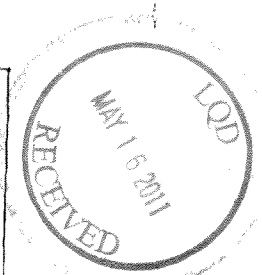


LEGEND

- 1. STONE BOUNDARY MARKS
- 2. ADJACENT OWNERS' INTERESTS
- 3. CHAIN SURVEY BOUNDARY MARKS
- 4. CHAIN SURVEY BOUNDARY MARKS
- 5. CHAIN SURVEY BOUNDARY MARKS
- 6. CHAIN SURVEY BOUNDARY MARKS
- 7. CHAIN SURVEY BOUNDARY MARKS
- 8. CHAIN SURVEY BOUNDARY MARKS
- 9. CHAIN SURVEY BOUNDARY MARKS
- 10. CHAIN SURVEY BOUNDARY MARKS
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- 14. CHAIN SURVEY BOUNDARY MARKS
- 15. CHAIN SURVEY BOUNDARY MARKS
- 16. CHAIN SURVEY BOUNDARY MARKS
- 17. CHAIN SURVEY BOUNDARY MARKS
- 18. CHAIN SURVEY BOUNDARY MARKS

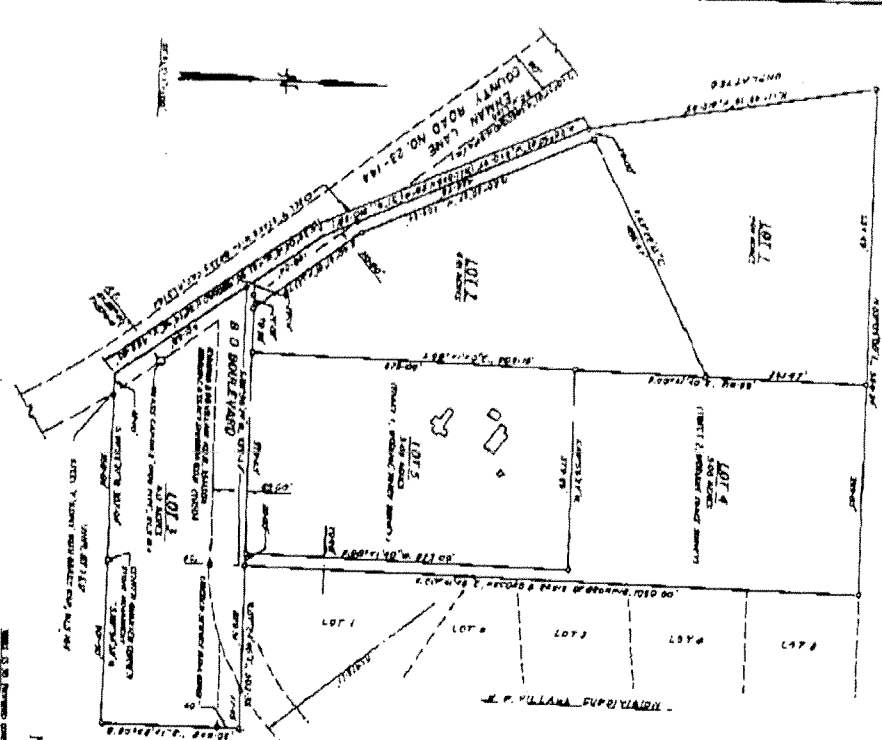
B B VILLAGE
A SUBDIVISION OF A PART OF THE
SW 1/4 NE 1/4 SEC 29
T44N R 89W
SHELBY COUNTY WYO

RIO VERDE ENGINEERING PINEDALE WYOMING



800 YEAGER ENGINEERING LTD. PINEBLADE WYOMING

LEGEND



NOTES

1. THIS SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1977 AND THE RULES AND REGULATIONS THEREUNDER.

CERTIFICATE OF OWNERS

WE, THE UNDERSIGNED, HAVE BEEN ADVISED BY THE OWNER OF THE PROPERTY THAT THE PROPERTY IS BEING OFFERED FOR SALE...

CERTIFICATE OF SURVEYOR

I, F. GASTON GOSAR, SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE SURVEYING ACT OF 1977...



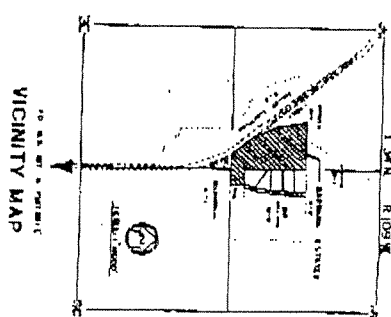
CERTIFICATE OF APPROVAL

I, BARBARA ESTATES, DO HEREBY APPROVE THE SURVEY AND CERTIFY THAT THE PROPERTY IS BEING OFFERED FOR SALE...

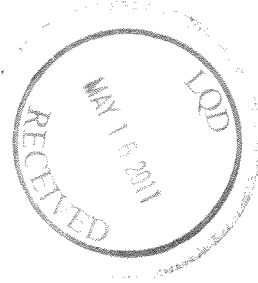


CERTIFICATE OF MORTGAGEE

I, BARBARA ESTATES, DO HEREBY CERTIFY THAT THE PROPERTY IS BEING OFFERED FOR SALE...



BARBARA ESTATES
LOCATED IN THE
SW/4ME/4 AND THE SE/4NW/4
SECTION 29, T.34N., R.109W.,
SUBLETTE COUNTY, WYOMING



EASEMENT

KNOWN ALL MEN BY THESE PRESENTS:

DENNIS and ARLENE JOHNSON, husband and wife, hereinafter referred to as GRANTORS, with address at PO Box 255 Pinedale, WY 82941, being the owners of the following described land and real estate, situated in the County of Sublette, State of Wyoming, to wit:

LOT 6, BB VILLAGE SUBDIVISION, SUBLETTE COUNTY, WYOMING

and BURLEIGH D. BINNING, TRUSTEE (DOB 9/24/1943), hereinafter referred to as GRANTEE, with address at P.O. Box 767, Pinedale, Wyoming 82941, being the owner of land and real estate described as follows:

SEE ATTACHED EXHIBIT A

GRANTORS having received ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, has given, granted and does hereby give, grant, bargain, sell and assign to the GRANTEE and his successors and assigns, the non-exclusive right, privileges, option and easement to go in, to enter upon, to freely pass and to travel upon, over and across that portion of GRANTORS' land and real estate described as follows:

A thirty (30) foot wide strip of land running generally north and south, being the westerly thirty (30) feet of Lot 6, BB Village Subdivision, Sublette County, Wyoming.

GRANTEE shall have the right to construct, maintain and repair a roadway for access, ingress and egress to the land of the GRANTEE as above described. This easement shall be for the benefit of and shall run with and be appurtenant to the real property or any portion thereof and shall be a burden on and a covenant which runs with the land described above of GRANTORS for the benefit of the land of GRANTEE described above.

GRANTORS and their assigns reserve the right to use all the real property burdened by the easement, so long as such use does not interfere with GRANTEE'S use thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 30th day of Nov, 2009.


DENNIS JOHNSON

NOTARY PUBLIC
STATE OF WYOMING

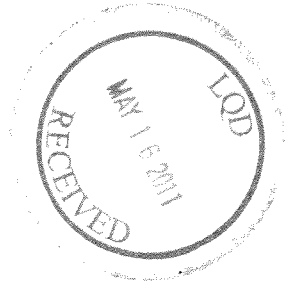

ARLENE JOHNSON

346180

RECORDED Dec 1 2009 1:08PM
IN BOOK 92 MISC PAGE 274
FEE \$ 14.00 COUNTY CLERK
SUBLETTE COUNTY, WYOMING

By Cynthia J. Friel

273



EASEMENT

KNOWN ALL MEN BY THESE PRESENTS:

PRESTON P. GOULETTE, hereinafter referred to as GRANTOR, with address at PO Box 1882, Pinedale, WY 82941, being the owner of the following described land and real estate, situated in the County of Sublette, State of Wyoming, to wit:

LOT 8, BB VILLAGE SUBDIVISION, SUBLETTE COUNTY, WYOMING

and BURLEIGH D. BINNING, TRUSTEE (DOB 9/24/1943), hereinafter referred to as GRANTEE, with address at P.O. Box 767, Pinedale, Wyoming 82941, being the owner of land and real estate described as follows:

SEE ATTACHED EXHIBIT A

GRANTOR having received ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, has given, granted and does hereby give, grant, bargain, sell and assign to the GRANTEE and his successors and assigns, the non-exclusive right, privilege, option and easement to go in, to enter upon, to freely pass and to travel upon, over and across that portion of GRANTOR'S land and real estate described as follows:

A thirty (30) foot wide strip of land running generally north and south, being the westerly thirty (30) feet of Lot 8, BB Village Subdivision, Sublette County, Wyoming.

GRANTEE shall have the right to construct, maintain and repair a roadway for access, ingress and egress to the land of the GRANTEE as above described. This easement shall be for the benefit of and shall run with and be appurtenant to the real property or any portion thereof and shall be a burden on and a covenant which runs with the lands described above of GRANTOR for the benefit of the land of GRANTEE described above.

GRANTOR and his assigns reserve the right to use all the real property burdened by the easement, so long as such use does not interfere with GRANTEE'S use thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 1 day of December, 2009.

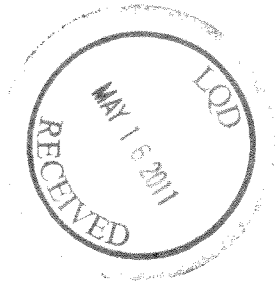
Preston P. Goulette

PRESTON P. GOULETTE

346176

RECORDED	Dec 1	2009	8:30AM
IN BOOK	92	misc	PAGE 273
FEE \$	14.09		
COUNTY CLERK			
SUBLETTE COUNTY, PINEDALE, WYOMING			
<i>by [Signature]</i>			

284



EASEMENT

KNOWN ALL MEN BY THESE PRESENTS:

ZANE L. and CHRISTINE H. WHITE, husband and wife, hereinafter referred to as GRANTORS, with address at PO Box 1997, Pinedale, WY 82941, being the owners of the following described land and real estate, situated in the County of Sublette, State of Wyoming, to wit:

LOT 7, BB VILLAGE SUBDIVISION, SUBLETTE COUNTY, WYOMING

and BURLEIGH D. BINNING, TRUSTEE (DOB 9/24/1943), hereinafter referred to as GRANTEE, with address at P.O. Box 767, Pinedale, Wyoming 82941, being the owner of land and real estate described as follows:

SEE ATTACHED EXHIBIT A

GRANTORS having received ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, has given, granted and does hereby give, grant, bargain, sell and assign to the GRANTEE and his successors and assigns, the non-exclusive right, privilege, option and easement to go in, to enter upon, to freely pass and to travel upon, over and across that portion of GRANTORS' land and real estate described as follows:

A thirty (30) foot wide strip of land running generally north and south, being the westerly thirty (30) feet of Lot 7, BB Village Subdivision, Sublette County, Wyoming.

GRANTEE shall have the right to construct, maintain and repair a roadway for access, ingress and egress to the land of the GRANTEE as above described. This easement shall be for the benefit of and shall run with and be appurtenant to the real property or any portion thereof and shall be a burden on and a covenant which runs with the land described above of GRANTORS for the benefit of the land of GRANTEE described above.

GRANTORS and their assigns reserve the right to use all the real property burdened by the easement, so long as such use does not interfere with GRANTEE'S use thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 1 day of December 2009.

Zane L. White
ZANE L. WHITE

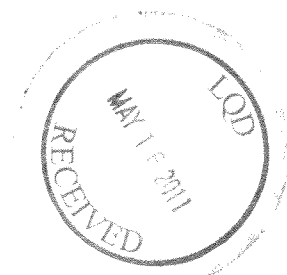
Christine H. White
CHRISTINE H. WHITE

346200

RECORDED DEC 2 2009 9:16AM
IN BOOK 92 Misc PAGE 289
FEES \$ 14.00 COUNTY CLERK
SUBLETTE COUNTY, WYOMING

By Gynthia G. Friel
112

217



EASEMENT

KNOWN ALL MEN BY THESE PRESENTS:

MARK C. PERRY, hereinafter referred to as GRANTOR, with address at PO Box 2119, Pinedale, WY 82941, being the owner of the following described land and real estate, situated in the County of Sublette, State of Wyoming, to wit:

LOT 9, BB VILLAGE SUBDIVISION, SUBLETTE COUNTY, WYOMING

and BURLEIGH D. BINNING, TRUSTEE (DOB 9/24/1943), hereinafter referred to as GRANTEE, with address at P.O. Box 767, Pinedale, Wyoming 82941, being the owner of land and real estate described as follows:

SEE ATTACHED EXHIBIT A

GRANTOR having received ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, has given, granted and does hereby give, grant, bargain, sell and assign to the GRANTEE and his successors and assigns, the non-exclusive right, privilege, option and easement to go in, to enter upon, to freely pass and to travel upon, over and across that portion of GRANTOR'S land and real estate described as follows:

A thirty (30) foot wide strip of land running generally north and south, being the westerly thirty (30) feet of Lot 9, BB Village Subdivision, Sublette County, Wyoming.

GRANTEE shall have the right to construct, maintain and repair a roadway for access, ingress and egress to the land of the GRANTEE as above described. This easement shall be for the benefit of and shall run with and be appurtenant to the real property or any portion thereof and shall be a burden on and a covenant which runs with the land described above of GRANTOR for the benefit of the land of GRANTEE described above.

GRANTOR and his assigns reserve the right to use all the real property burdened by the easement, so long as such use does not interfere with GRANTEE'S use thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 1st day of Dec, 2009.

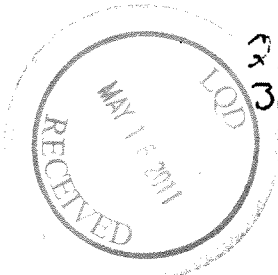
Mark C. Perry

MARK C. PERRY

346161

RECORDED	<u>Dec 1 2009 9:48 AM</u>
IN BOOK	<u>92 Misc. PAGE 279</u>
FILES	<u>14-00</u> COUNTY CLERK
SUBLETTE COUNTY	<u>Angela L. Johnson</u>

by Cynthia J. Friel



231-1780
367-4401

EASEMENT

KNOWN ALL MEN BY THESE PRESENTS:

JANA DITTON, hereinafter referred to as GRANTOR, with address at PO Box 587, Pinedale, WY 82941, being the owner of the following described land and real estate, situated in the County of Sublette, State of Wyoming, to wit:

LOT 10, BB VILLAGE SUBDIVISION, SUBLETTE COUNTY, WYOMING

and BURLEIGH D. BINNING TRUSTEE (DOB 9/24/1943), hereinafter referred to as GRANTEE, with address at P.O. Box 767, Pinedale, Wyoming 82941, being the owner of land and real estate described as follows:

SEE ATTACHED EXHIBIT A

GRANTOR having received ten dollars and other good and valuable consideration, receipt of which is hereby acknowledged, has given, granted and does hereby give, grant, bargain, sell and assign to the GRANTEE and his successors and assigns, the non-exclusive right, privilege, option and easement to go in, to enter upon, to freely pass and to travel upon, over and across that portion of GRANTOR'S land and real estate described as follows:

A thirty (30) foot wide strip of land running generally north and south, being the westerly thirty (30) feet of Lot 10, BB Village Subdivision, Sublette County, Wyoming.

GRANTEE shall have the right to construct, maintain and repair a roadway for access, ingress and egress to the lands of the GRANTEE as above described. This easement shall be for the benefit of and shall run with and be appurtenant to the real property or any portion thereof and shall be a burden on and a covenant which runs with the land described above of GRANTOR for the benefit of the land of GRANTEE described above.

GRANTOR and her assigns reserve the right to use all the real property burdened by the easement, so long as such use does not interfere with GRANTEE'S use thereof.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed on this 1st day of December, 2009.

Jana Ditton
JANA DITTON

346199

RECORDED Dec 2 2009 9:30AM
IN BOOK 92 Misc PAGE 286
FEES \$ 14.00 COUNTY CLERK
SUBLETTE COUNTY, WYOMING

by Cynthia G. Friel