

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

FILED

MAY 27 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) **Docket No. 11-4802**
HIGH PLAINS VENTURES, LLC. TFN 5 6/170)

PRE- HEARING ORDER

A prehearing conference in this matter was held on Thursday May 26, 2011 at 1:30 p.m. via telephone conference call. Presiding was Councilman Dennis Boal. The hearing was transcribed by a court reporter. Present on behalf of the Objectors was attorney, Gaston Gosar. Present on behalf of the Department of Environmental Quality (DEQ) was Assistant Attorney General Luke Esch. Present on behalf of the permit applicant, High Plains Ventures, LLC. (High Plains) was attorney, William Miller. Also present for High Plains were Mike McCullough, Tom Foust, Randy Archer and Diana Olson. Council staff present were Jim Ruby and Joe Girardin.

IT IS HEREBY ORDERED as follows.

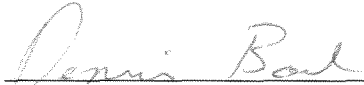
1. High Plains moved to continue the hearing scheduled for June 7, 2011 due to health reasons of the owner Mr. Randy Archer. Mr. Gosar and Mr. Esch on behalf of their clients did not object to the continuance. The parties agreed to waive the 20 day statutory time frame for the holding of the final hearing. Mr. Boal granted the continuance. The final hearing will be held on June 28, 2011 at 8:30 a.m. If facilities are available the hearing will be held in Pinedale Wyoming. In the event facilities are not available the hearing will be held in either Rock Springs or Green River.
2. The Objectors shall file their prehearing memorandum no later than 12:00 noon June 15, 2011. High Plains and DEQ shall file their prehearing memorandums no later than 12:00 noon on June 20th, 2011. The prehearing memorandums shall address the following:
 - a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Clarification of the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - c. Any stipulation to uncontested facts;

d. Exhibit list and exchange of proposed exhibits and any stipulations to the foundation and admissibility of the exhibits and testimony. DEQ shall identify their exhibits as "DEQ 1, 2, 3" etcetera. High Plains shall identify their exhibits as "High Plains 1,2,3" etcetera. Objectors shall identify their exhibits as "McGuire 1,2,3" etcetera; and

e. Motions.

3. Any preliminary motions shall be filed no later than 12:00 noon on June 15, 2011. Responses to said motions shall be filed no later than 12:00 noon on June 20th, 2011. There will not be any replies to responses.
4. All parties shall appear at 8:30 a.m. on June 28, 2011 for final hearing in this matter. Failure to appear at the prehearing conference may result in dismissal from this case. The parties will be notified at a later time regarding the exact location of the final hearing.
5. A court reporter will transcribe the hearing.
6. No continuances, concerning the final hearing, shall be granted unless a motion showing good cause for the continuance is filed with the EQC no later than 12:00 noon on 25, 2011 and the Presiding Officer finds that good cause has been shown.
7. Any objections to this Pre-Hearing Order shall be filed by the parties no later than June 6, 2011.

DATED this 27th day of May, 2011.


Dennis M. Boal, Presiding Officer
Environmental Quality Council

CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 27th day of May, 2011, I served a copy of the foregoing **ORDER** by electronic mail to the following:

John Corra
Director, DEQ
john.corra@wyo.gov

Allen Edwards, Interim Administrator
DEQ Land Quality Division
allan.edwards@wyo.gov

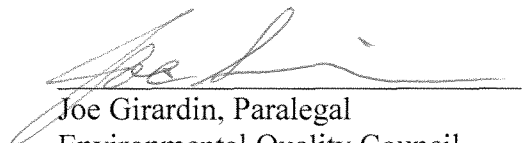
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