

**FILED**

**OCT 17 2012**

**Jim Ruby, Executive Secretary  
Environmental Quality Council**

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Attorney for State of Wyoming  
Department of Environmental Quality

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

IN THE MATTER OF THE APPLICATION )  
OF STRATA ENERGY FOR THE ) EQC Docket No. 12-4803  
ROSS ISR URANIUM PROJECT )

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**PRE-HEARING STATEMENT**

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The Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, hereby submits its Pre-Hearing Statement.

**SUMMATION OF THE FACTS**

Strata Energy Inc. (Strata) filed its application for in situ mine permit with the Division on December 21, 2010. After notification that Strata's application was complete, Merit Energy Company, LLC, et. al. hereinafter collectively (Merit), timely filed objections to the permit with the Division. Merit objects to the proposed permit for the following reasons: the operation will interfere with Merit's water rights; the application failed to contain sufficient information on the mining process and affected aquifers; the application failed to contain sufficient discussion on mitigation measures for certain impacts; Strata's use of roads will increase costs to Merit; and the operation will violate federal law. The Division

has determined that the application is complete and in full compliance with Wyoming law. The Division is ready to issue the permit.

**LEGAL ISSUES**

Is Strata's permit application complete and should the Division issue Strata a permit to mine pursuant to Wyo. Stat. Ann. § 35-11-406(m)?

**WITNESSES**

WILL CALL:

Mark Rogaczewski  
District 3 Supervisor  
Department of Environmental Quality  
Land Quality Division  
Sheridan Field Office  
2100 West 5th Street  
Sheridan, WY 82801  
307-673-9337

Mr. Rogaczewski is the District 3 Supervisor and played an integral part in the review and approval of Strata's permit application. He is expected to testify regarding his knowledge of the project and the Strata permit application review process. In addition, Mr. Rogaczewski will testify regarding general permit application requirements and whether Strata's permit application is in compliance with all requirements of Wyoming law.

MAY CALL:

Mark Taylor  
Department of Environmental Quality  
Land Quality Division  
Sheridan Field Office  
2100 West 5th Street  
Sheridan, WY 82801  
307-673-9337

Mr. Taylor may testify regarding his knowledge of the permit application review process and his part in reviewing the hydrologic aspects of the permit.

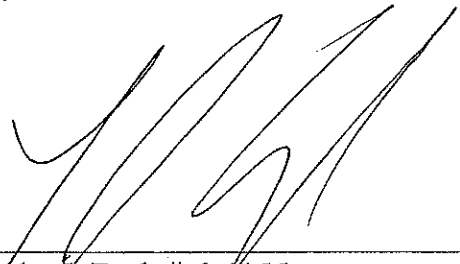
The Division may also call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

#### **EXHIBITS**

DEQ Exhibit 1: Strata's Permit Application.

The Division also reserves the right to use exhibits identified by other parties as well as exhibits for rebuttal and impeachment purposes.

DATED this 17<sup>th</sup> day of October, 2012.



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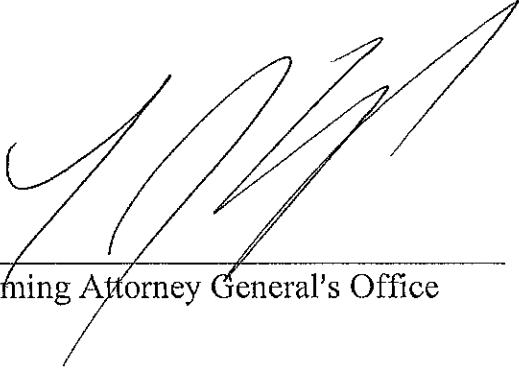
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of DEQ's Proposed Exhibit 1 was hand delivered to counsel for Merit Energy on October 15, 2012, and hand delivered to counsel for Strata Energy on October 17, 2012. A copy of the Pre-Hearing Statement was served by electronic mail and United States mail, postage prepaid, on the 17th day of October 2012, addressed to the following:

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