

Jeremiah I. Williamson (Wyo. Bar No. 7-4748)
Wyoming Attorney General's Office
123 State Capitol
Cheyenne, Wyoming 82002
(307) 777-6946
(307) 777-3542 *facsimile*
jeremiah.williamson@wyo.gov
Attorney for DEQ

FILED

SEP 13 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

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

IN THE MATTER OF THE OBJECTION)
TO THE MINE PERMIT APPLICATION) DOCKET 13-4803
OF SUGARLAND PARTNERS, LLC,)
TFN 5 5/291)

JOINT MOTION TO DISMISS

Petitioner Janice Hyche, respondent Wyoming Department of Environmental Quality (DEQ), and third-party respondent Sugarland Partners, LLC (Sugarland), hereby jointly move the Environmental Quality Council to order the following revisions to Permit 292C and to dismiss the above captioned matter.

I. Reclamation Seeding

Page RP-2 of the Reclamation Plan for Permit 292C originally proposed that Sugarland use sunflower (*Helianthus annuus*) as a companion seed during reclamation. The Parties agree to replace every reference to sunflower in the permit with "sterile Quickguard (*Triticum aestivum x Secale cereale*)," a non-reseeding sterile annual grass, and that Quickguard will be applied at a rate of four pounds pure live seed per acre (4 lbs. PLS/acre), unless the seed is broadcast seeded, in which case the rate will be doubled to eight pounds pure live seed per acre (8 lbs. PLS/acre). The Parties additionally agree to

revise the Reclamation Plan to replace sideoats grama seed with blue grama seed at the same seeding rate (0.5 lbs. PLS/acre).

II. Seeding Timing

Page RP-2 of the Reclamation Plan also provides that seeding will occur “before May 15 or after October 1” for both Type I and Type II Areas. The parties agree to revise this language to indicate that seeding will occur “No earlier than October 15 and no later than March 31” for both Type I and Type II Areas. The parties agree further that DEQ may, in its discretion, permit seeding outside of this time frame if such departure would be beneficial to the seeding or reclamation processes.

III. Surface Ownership Maps


Both Map MP-M1 and MP-M2 refer to surface ownership of land adjacent to the permitted land. The parties agree that every reference on these two maps to “Corl, Ervin (Luke) and Katie B.” will be replaced with the words “Tribelhorn, Ronald E. and Teresa M.,” to reflect current surface ownership of those lands.

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IV. Conclusion

The parties to this Motion, having agreed to the above amendments to Permit 292C, therefore move the Council to dismiss this matter with prejudice.

Submitted this 13th day of September, 2013.



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Wyoming Attorney General's Office
123 State Capitol
Cheyenne, Wyoming 82002
(307) 777-6946
(307) 777-3542 *facsimile*
jeremiah.williamson@wyo.gov
Attorney for DEQ

Janice Hyche
392 Granite Park Rd.
Wheatland, Wyoming 82201
(307) 241-0248
hyche@bbcwb.net



Tim A. Weaver
Sugarland Partners, LLC
PO Box 144
Wheatland, Wyoming 82201
(307) 322-5102
timandal@wyomingwisp.com

IV. Conclusion

The parties to this Motion, having agreed to the above amendments to Permit 292C, therefore move the Council to dismiss this matter with prejudice.

Submitted this ___th day of September, 2013.

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123 State Capitol
Cheyenne, Wyoming 82002
(307) 777-6946
(307) 777-3542 *facsimile*
jeremiah.williamson@wyo.gov
Attorney for DEQ

Janice Hyche (9/10/2013)

Janice Hyche
392 Granite Park Rd.
Wheatland, Wyoming 82201
(307) 241-0248
hyche@bbcwb.net


Tim A. Weaver
Sugarland Partners, LLC
PO Box 144
Wheatland, Wyoming 82201
(307) 322-5102
timandal@wyomingwisp.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 13th day of September, 2013, a true and correct copy of the foregoing *Joint Motion to Dismiss* was served via electronic mail to the following:

Janice Hyche
hyche@bbcwb.net

Tim A. Weaver
Sugarland Partners, LLC
timandal@wyomingwisp.com



Wyoming Attorney General's Office