## Filed: 5/23/2017 7:05:43 PM WEQC

## BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

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IN RE EAGLE BUTTE MINE, ALPHA WEST TFN 6-1/152 Docket # 15-4801

## WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S RESPONSE IN SUPPORT OF POWDER RIVER BASIN RESOURCE COUNCIL NOTICE OF VOLUNTARY DISMISSAL

The Wyoming Department of Environmental Quality ("Department"), through its undersigned counsel, hereby responds to the notice of voluntary dismissal filed by the Powder River Basin Resource Council ("PRBRC") in this matter. The Department reserves and does not waive its defenses and arguments against the PRBRC's claims regarding the renewal of the Eagle Butte Mine's permit. However, the Department agrees that this matter is now moot and should be dismissed. Therefore, the Department also asks the Wyoming Environmental Quality Council to lift the stay in this proceeding in order to dismiss the case as moot.

**DATED** this 23rd day of May, 2017.

Respectfully submitted,

/s/ Andrew J. Kuhlmann James Kaste Deputy Attorney General Andrew J. Kuhlmann Senior Assistant Attorney General 2320 Capitol Avenue Cheyenne, WY 82002 307-777-6946 james.kaste@wyo.gov andrew.kuhlmann@wyo.gov Counsel for the Wyoming Department of Environmental Quality

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 23rd day of May, 2017, a true copy of the foregoing document was electronically filed with the Environmental Quality Council and was e-mailed to the following:

Shannon Anderson Powder River Basin Resource Council 934 N. Main St. Sheridan, WY 82801 sanderson@powderriverbasin.org

Patrick Crank Crank Legal Group 1815 Evans Ave. Cheyenne, WY 82003 pat@cranklegalgroup.com Todd Parfitt Director Department of Environmental Quality 122 W. 25th St. Cheyenne, WY 82002 todd.parfitt@wyo.gov

Karen Budd-Falen Brandon L. Jensen 300 E. 18th St. P.O. Box 346 Cheyenne, WY 82001 <u>karen@buddfalen.com</u> brandon@budfalen.com

/s/ Andrew J. Kuhlmann Office of the Wyoming Attorney General