

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

IN THE MATTER OF: )  
 )  
PETITIONER JACKSON HOLE ) DOCKET NO.: \_\_\_\_\_  
 )  
CONSERVATION ALLIANCE ET AL. )  
 )  
PERMIT NO: P0036295 )  
 )

**DECLARATION OF DEVRA DAVIS IN SUPPORT OF THE JACKSON HOLE  
CONSERVATION ALLIANCE’S APPEAL OF AIR QUALITY PERMIT P0036295 AND  
REQUEST FOR STAY**

1. My name is Devra Davis and I am a member of the Jackson Hole Conservation Alliance (“JHCA”). Based on my experience and information provided to me by others, I have personal knowledge of the facts set forth herein or believe them to be true. If asked, I could testify truthfully about these matters.
2. I reside at 7100 N. Rachel Drive, Unit 6 in Teton County. I live approximately 1 mile from the proposed location of the portable air curtain burner that is the subject of Air Quality Permit P0036295.
3. The JHCA is a non-profit organization founded in 1979. The group is dedicated to helping Jackson Hole plan responsibly for a future that protects wildlife, wild places, and community character. The JHCA and its members have an interest in ensuring a clean environment in and around Teton County, including clean air and excellent air quality which is of particular concern given our location near Grand Teton and Yellowstone National Parks.

4. The JHCA has approximately 550 members located in and around Teton County, Wyoming.
5. The JHCA reviewed the application for an air quality permit filed by Arbor Works Tree Service (“Arbor”) dated February 23, 2023 (“Application.”) The JHCA submitted comments regarding the Application and the Wyoming Department of Environmental Quality, Air Quality Division’s (“AQD”) Permit Application Analysis (A0014739) regarding the Application.
6. On February 29, 2024, the AQD granted Permit No. P0036295 to Arbor.
7. Permit No. P0036295 authorizes Arbor to construct the portable air curtain burner at its initial location in the SE¼ of the SE¼ of Section 36, Township 42 North, Range 117 West. This location is approximately 1 mile from my residence. Condition No. 6 of Permit No. P0036295 allows Arbor to move the portable air curtain burner to other locations and permits Arbor to “submit a ‘self-issuance’ relocation permit for each new location.”
8. Permit No. P0036295 does not contain sufficient or legally enforceable terms and conditions to ensure the portable air curtain burner will not harm human and environmental health, degrade local or regional air quality, or that Arbor will operate it safely.
9. As a nearby resident and member of JHCA, I will be personally injured by the portable air curtain burner if constructed and operated in accordance with Permit No. P0036295:
  - a. My home is located approximately 1 mile of the initial location. I choose to live in Teton County because I place a premium on clean air and mountain views. I live, work, and recreate in Teton County because of the scenic natural surroundings.

- b. The portable air curtain burner will emit smoke as it burns biomass. The smoke will degrade the air quality and impact my personal health. The smoke also will degrade the visibility of the area, impacting the mountain views and the aesthetic values of my surroundings. Biochar remains from the burning will require safe handling and disposal, necessitating additional costs and precautions that can result in contamination of nearby soil and water.
- c. The portable air curtain burner is an open-top box. There is a high risk of embers and hot ash exiting the container and sparking a fire. The burner can be started with embers from the previous day, resulting in additional emissions due to incomplete combustion. Teton Village is in an unpredictably but reliably high-wind and extremely wildfire-prone area. However, Permit No. P0036295 does not contain any terms or conditions about prohibiting operation during high wind speeds that are hard to predict or when wildfire danger is high. Any fire caused by the portable air curtain burner could quickly spread to my home.

10. Furthermore, the JHCA as an association will be injured by the portable air curtain burner if constructed and initially operated in accordance with Permit No. P0036295:

- a. The members of JHCA choose to live in and around Jackson Hole, Wyoming because of the clean air and beautiful natural surroundings. Our members enjoy a variety of outdoor activities that depend on keeping the natural surroundings intact and pollution free, including hiking, skiing, running, and wildlife watching.
- b. The portable air curtain burner will impact the air quality of the area, harming the health of our members. Further, the smoke from the portable air curtain burner

will impact the aesthetic value of the area. The air quality impacts will undermine the natural conditions and values that the JCHA has worked tirelessly to preserve.

- c. The JCHA also is extremely concerned about the risk of fire caused by the portable air curtain burner especially embers that can remain for long periods of time. Any fire would spread quickly, demolishing the homes of members, kill wildlife, and destroy the natural values of the area.

11. A favorable decision for the JCHA in this case would redress the harms that I would otherwise experience, as well as the harms that the JHCA would experience, if Arbor is permitted to construct and initially operate the portable air curtain burner in accordance with Permit No. P0036295.

I declare, under the penalty of perjury of the laws of Wyoming, that the foregoing is true and correct.

Executed March 28, 2024 in Jackson, Wyoming.

  
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Devra Davis