

FILED

JAN 22 1981

Ardelle M. Kissler, Clerk  
Environmental Quality Council

IN RE: ISSUANCE OF A PERMIT FOR LIMITED )  
 MINING OPERATIONS FOR TEN ACRES OR LESS )  
 OF AFFECTED LAND TO HUSMAN, INC. )  
 )  
 P K RANCH CO., A CORPORATION, and )  
 )  
 EATON BROTHERS, INC., A CORPORATION, )  
 )  
 CONTESTANTS, )  
 )  
 - vs - )  
 )  
 WALTER C. ACKERMAN, ADMINISTRATOR )  
 OF THE LAND QUALITY DIVISION, DEPARTMENT )  
 OF ENVIRONMENTAL QUALITY. )

Docket No. 713-80

PETITION FOR LEAVE TO INTERVENE

COMES NOW the Foothills Conservation Association, pursuant to Section 7 of the Department of Environmental Quality Rules of Practice and Procedure (1980), and respectfully requests leave to intervene as a "aggrieved party" in the above-captioned proceeding before the Environmental Quality Council. The reasons in support of said intervention are as follows.

I.

That the Foothills Conservation Association ("FCA") is composed of individuals and families, all of whom are members of the Powder River Basin Resource Council, and who reside in the immediate vicinity of the proposed Husman limestone mine and/or the proposed truck haul route associated with the proposed mine. The members of the FCA will be directly and adversely affected by development of the proposed Husman mine, owing to their proximity to the contemplated project, and to the possibility of substantial damage to their agricultural and residential investments in the area.

II.

That the proposed Husman limestone operation will adversely affect the lives and financial interests of the FCA members by:

- (1) Substantially increasing the heavy truck traffic on PK Lane, Beckton Road, and Wyoming Highway 331, raising significant amounts of dust and deteriorating the existing roadbed.
- (2) Substantially increasing the frequency and severity of potential traffic conflicts with other vehicles, pedestrians, bicyclists, and livestock.
- (3) Deteriorating the relative serenity of the area with intrusive noise emissions from mine haul trucks, and otherwise directly diminishing the environmental, social, and economic values of the area.

III.

That the FCA believes the Division of Land Quality/ Department of Environmental Quality has not appropriately administered W.S. 35-11-401(e)(vi) of the Wyoming Environmental Quality Act, nor Chapter XX of the Land Quality Division Rules and Regulations promulgated thereto.

IV.

That the Division of Land Quality/Department of Environmental Quality did not fully and completely review the Husman limestone mine "notification" to ensure that the notification was consistent with both the letter and intent of the Wyoming Environmental Quality Act and the Rules and Regulations promulgated thereto.

In specific, the Land Quality Division:

- (1) Failed to establish that the Husman mine would affect less than ten (10) acres of land;
- (2) Wrongly construed the meaning of W.S. 35-11-401 (e)(vi) requiring "... written permission for the operation from the owner or lessee, if any, of the surface...". Husman, Inc. did not obtain such written permission.

V.

That the Environmental Quality Council has full jurisdiction to "Conduct hearings in any case contesting the administration or enforcement of any law, rule, regulation, standard, or order issued or administered by the department or any division thereof" (W.S. 35-11-112(a)(iii) (emphasis added)); and that the PETITION IN OPPOSITION TO OPERATIONS FOR TEN ACRES OR LESS OF AFFECTED LAND of Contestants P K Ranch Co. and Eaton Brothers, Inc., is properly placed before the Environmental Quality Council.

WHEREFORE, the Foothills Conservation Association prays that it be permitted to intervene in the above-captioned case, since it has demonstrated its right to be admitted as a party to the proceeding, and since it is in a unique position by virtue of the fact that its members could be damaged as a result of the proceeding.

For Intervenor/Contestant, FOOTHILLS CONSERVATION ASSOCIATION

REED ZARS

Reed Zars  
Powder River Basin Resource Council  
48 N. Main  
Sheridan, WY 82801

I, Reed Zars, full-time employee of the Powder River Basin Resource Council and bona fide general officer of the Foothills Conservation Association, hereby certify that on the 21 day of January, 1981, I caused to be served for Intervenor/Contestants Foothills Conservation Association a true and correct copy of the Petition for Leave to Intervene by mailing same through the U.S. Postal Service to the Applicant, PK Ranch, Eaton Brothers, Inc., and the Environmental Quality Council of the State of Wyoming.

REED ZARS

REED ZARS, for the  
Foothills Conservation Association and  
Powder River Basin Resource Council  
48 N. Main  
Sheridan, WY 82801