



Jim Ruby &lt;jim.ruby@wyo.gov&gt;

## Mining Marlboro Country for kitty litter.r (WSL04)

1 message

**Ronald Ericsson** <ericsson@childselect.com> Sun, Jul 29, 2018 at 2:24 PM  
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July 29, 2018

Bridget Hill  
 Director  
 Office of State Lands and Investments  
 Herschler Building, 1E 122 W 25th ST  
 Cheyenne, WY 82002

C: State Board of Land Commissioners  
 State Loan and Investment Board  
 Matt Mead - Ed Buchanan - Cynthia Cloud - Mark Gordon - Julian Balow

RE: Mining Marlboro Country for kitty litter (WSL04)

Dear Ms. Bridget Hill:

We have never received a response back from you on our request (sent November 28, 2017) that the Office of State Lands and Investments (OSLI) revoke or amend Wyoming State Mineral Lease 42804 (WSL04) that allows mining of bentonite by Bentonite Performance Minerals (BPM) – Halliburton on the 2U Ranch, LLC.

This mining will permanently destroy the view-scape of a beautiful ranch that was featured in Marlboro advertising for many years (see attached photos). BPM proposes to mine at least 1,000,000 tons of low quality bentonite which has a primary use as scoopable kitty litter. Do you really want to destroy a unique part of Wyoming (Black Hills) in order to satisfy cat owners in places which as California and New York.?

BPM mining will eliminate 10,936 trees, springs, marshes, wetlands, wildlife habitat and scar Green Mountain (see attached photo). Leaving behind permanent out-of-pit overburden stockpiles (mini ski slopes) that are a poor

substitute for what Mother Nature created in Green Mountain.

Is the OSLI in violation of "W.S. 35-11-402, Establishment of Standards states that reclamation should be to the highest previous use of the affected lands, the surrounding terrain and natural vegetation, surface and subsurface flowing or stationary water bodies, wildlife and aquatic habitat and resources, and acceptable uses after reclamation including the utility and capacity of the reclaimed lands to support such uses" when they know that this mining permit will cause this permanent destruction? Old growth - slow maturing trees, mined springs and marshes, etc. are not physically or realistically reclaimable. Bur oak trees do not mature for 200 years and live for 400 years. It takes 90-100 years to grow a marketable ponderosa pine.

How can OSLI issue a mining lease in which they do not have all the mineral rights (see attached mineral rights file)? Will the OSLI be financially liable for damages to the land as the proposed mining (reclamation will not meet the standards) is in violation of W.S. 35-11-402? If so, this is a losing proposition for taxpayers as surface damage will far exceed lease revenues received by the State.

How is BPM meeting the lease stipulation of "Dilliance in mining" when they will have taken 29 years plus to complete the mining? Is it in the interest of the state (taxpayers) to have to wait this long for their revenue?

Why did OSLI inform the Department of Environmental Quality that a Cultural Resources survey was not required when there are 19 known cultural sites and 7 isolated finds on lands surrounding the proposed mining? Land adjacent to the lease land is closed to mining under Sections 203/206 of FLPMA or R&PP act due to the Federal discovery of numerous archeological sites, one recommended as eligible for listing to the National Register of Historic Places. Did OSLI conduct due diligence by not contacting the Wyoming State Historic Preservation Office when you are required by the Rules And Regulations, Board Of Land Commissioners, Chapter 22, Leasing of Bentonite, adopted pursuant to the authority granted in W.S. 36-6-101(b) to protect historical, archeological or paleontological materials?

Sincerely,

Ronald J. Ericsson, PhD  
 Scott A. Ericsson, PhD  
 Roland S. Ericsson, Esquire

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#### 4 attachments



**Green Mountain.JPG**  
1712K



**Marlboro1.jpg**  
1400K

**Marlboro2.jpg**  
1138K



 **Mineral Rights.pdf**  
141K