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REQUIREMENTS TO HOLD AN ENVIRONMENTAL QUALITY COUNCIL HEARING HAVE NOT BEEN MET

1 message

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Sat, Aug 11, 2018 at 4:38 PM

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The request for a hearing by the bentonite company BPM before the Environmental Quality Council does not comply with terms required. BPM does not have a lease to mine bentonite from the state of Wyoming nor does BPM have a permit from DEQ to mine. 2U Ranch owns the surface rights and it is up to us to make certain all total rights granted to the landowner by Wyoming statutes, regulations and rules are in compliance. This not the case and to hold a hearing when BPM has no mining lease or permit would be a mockery of justice. It is simple: How can a hearing be held to mine bentonite when the mining company does not have a lease to mine from the State of Wyoming or a permit to mine from DEQ!

Attn: Bridget Hill
Director, Office of State Lands and Investments

W.S. 36-6101(b) states: *On lands in which the state owns less than the entire interest in the bentonite estate, a lease will be issued by the Board covering the states's interest independent of the other co-owners.* The office of State Lands and Investments is in violation of this state statute and therefore can not offer a mining lease to BPM. BPM does not have a lease to mine bentonite from the State of Wyoming.

Attn: Kyle Wendtland

Administrator, Department of Environmental Quality

You wrote in your certified letter date 9 August 2019: *Permit amendment TFN #6 1/97 application to 267C was determined to meet permit application completeness requirements by LQD on June 28, 2016*. No, the determination to meet application completeness requirements were not met.

W.S. 35-11-416, Protection of the surface owner. This statute states: (a) *In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by mining operations a permit shall not be issued without the execution of a bond* No bond was issued for the use and benefit of the surface owner. BPM does not have a permit to mine bentonite as DEQ is not allowed to issue a permit without the execution of a bond. These state statutes and regulations are not difficult to understand or to follow.

A cultural survey is also required before a permit is issued. No cultural survey was performed. Again, BPM has no permit to mine until the cultural survey is completed along with violations of other state laws.

**Attn: Jim Ruby
Executive Secretary
Environmental Quality Council**

We learned early in discussions with BPM that no guidance would be forthcoming from the Office of State Lands and Investments or DEQ. Eight months ago we issued our position on the matter of bentonite mining on 2U Ranch (see attached). Since then we have sent many emails to the Office of State Lands and Investments, State Board of Land Commissioners and DEQ. Until of late no response was forthcoming. 2U Ranch keeps wondering how much longer this farce will continue. Neither of the state offices nor BPM have complied with all required state statutes, regulations and rules. Our observation that in all cases these three organizations have been shown to be incompetent and have not complied with the terms of a mining lease or a permit to mine. Again, we wonder if this is just incompetence or for other reasons.

The owners of 2U Ranch are capable of following state laws and regulations and so should the other parties involved. But they have not. We know our rights as landowners and fully expect to receive our total rights - before we agree to a permit.

The elephant in the room is the 10,936 trees that BPM wants to destroy. Again, the Office of State Lands and Investments, DEQ and BPM do not own up to this issue or reply to our repeated requests on how they plan to replace trees with a life span of 400 years and restore the land to a condition equal to or greater than before being mined. Why, because all three of these organizations know this is not possible but continue to try and give and obtain a permit.

Our responsibility as landowners is to keep the ranch in its natural habitat so the grandchildren can enjoy it as much as we have we. Don't place a bet these 10,936 trees will be removed and destroyed.

A note to why we care: of the landowners collectively there are six college degrees in animal science and range management and over 100 years of family ownership in ranches. With our grandfather and great-grandfather (J. A. Clarkson) in the South Dakota Hall of Fame and as a pioneer in the National Cowboy & Western Heritage Museum in Oklahoma City, along with Swedish grandparents and great-grandparents who homesteaded in South Dakota, we have roots deep in the soil.

We ain't goin away,

Ronald J. Ericsson, PhD

Scot A. Ericsson, PhD

Roland S. Ericsson, Attorney at law

8/14/2018

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