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## Expungement of unlawful resource data from WDEQ-LQD Mining Permit 267C

1 message

**Ronald Ericsson** <ericsson@childselect.com>

Mon, Sep 17, 2018 at 10:54 AM

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September 17, 2018

Jim Ruby  
Executive Secretary  
Environmental Quality Council

RE: Expungement of unlawful resource data from WDEQ-LQD Mining Permit 267C

Dear Mr. Jim Ruby:

Bentonite Performance Minerals (BPM) unlawfully collected resource data for WDEQ-LQD Mining Permit 267C through trespass on the 2U Ranch, LLC property and the Environmental Quality Council (EQC) is legally obligated by **W. S. 6-3-414 (g)** to expunge all this data from files and data bases. None of this fraudulent resource data (ex: mining and reclamation plans, etc.) can be considered in determining any EQC action

This expungement of unlawful resource data annuls the Petition for Order in Lieu of Consent (Docket 18-1601) as the mining and reclamation plans cease to exist and the EQC is bound by statute to not use this data for any action.

Your Order of Schedule and Denial of Motion to Continue states (our comments shown in bold): A hearing on this matter only looks to identify whether four statutory elements have been met. Those elements are:

1. That the mining plan and reclamation plan have been submitted to the surface owner for approval. **The mining plan and reclamation plan have not been submitted to us as they no longer exist.**
2. That the mining plan and the reclamation plan is detailed as to illustrate the full proposed surface use including proposed routes of egress and ingress. **No - mining plan and reclamation plans do not exist.**

3. That the use does not substantially prohibit the operations of the surface owner. **No - mining plan and reclamation plans do not exist.**
4. The proposed plan reclaims the surface to its approved future use, in segments if circumstances permit, as soon as feasibly possible. **No - mining plan and reclamation plans do not exist.**

The nonexistence of mining and reclamation plans obviously prevent any of the four statutory elements from being met and we request that the QEC deny the request for an Order in Lieu of Consent. It would be ludicrous and a waste of time - money for all those involved to continue to have the hearing, scheduled for January 16, 2019, to determine if nonexistent mining and reclamation plans meet state statutes.

Sincerely,

Ronald J. Ericsson, PhD  
Scott A. Ericsson, PhD  
Roland S. Ericsson, Attorney at Law