



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

Todd Parfitt, Director

Mr. Roland J. Ericsson
Mr. Scott A. Ericsson
Mr. Roland S. Ericsson, Esquire
426 Lonesome County Road
Alzada, MT 59311

RE: Wyoming State Mineral Lease 42804, WDEQ-LQD Mining Permit 267C, and Amendment TFN #6 1/197

Dear Mr. Ronald J. Ericsson, Scott A. Ericsson, and Roland S. Ericsson, Esquire:

I have received and reviewed the information provided your email of October 5, 2018, related to Permit 267C and TFN #6 1/197 regarding Wyoming Statute § 40-27-101 and § 6-3-414 trespass to collect resource data; unlawful collection of resource data. Your interpretation of the statutory provisions is correct that resource data collected in violation of these provisions cannot be used for the purpose of an agency action. However, before the agency can expunge such records, the civil or criminal trespass proceeding must be concluded. This would require the agency to be in receipt of a civil or criminal judgment indicating that a court of competent jurisdiction has concluded that one or both of these statutes has been violated. Therefore, the Wyoming Department of Environmental Quality (WDEQ) is not in a position to expunge such data as outlined and requested in your email until such a judgment is received. In the event WDEQ receives a civil or criminal judgment in the future in relation to your claim, WDEQ will comply with the statutory provisions.

Because WDEQ is not in possession of a civil or criminal judgment against BPM in relation to trespass for data collection at this time and I cannot recommend to the WDEQ Director that the BPM license to mine be suspended or revoked.

Please contact me at 307-777-7046 if you have further questions relating to this matter.

Sincerely,

Kyle J. Wendtland,
Administrator

cc: Matt Mead, Governor
Todd Parfitt, Director WDEQ
Bridget Hill, Director Office of State Lands and Investments
Lucy Pauley, Mediation Coordinator, Wyoming Department of Agriculture
James Kaste, Deputy Attorney General

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