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- Counsel for Petitioner

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING**

**IN THE MATTER OF THE BOND FORFEITURE     )  
QUALITY LANDSCAPE AND NURSERY, INC.     )     Docket No. 22-4503  
LMO ET1496     )**

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**PETITIONER QUALITY LANDSCAPE AND NURSERY, INC.’s  
FACT WITNESS DESIGNATION**

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Pursuant to this Council’s case management Order entered on May 1, 2023; the Petitioner Quality Landscape & Nursery, Inc. (“Petitioner” or “QLN”), by and through its attorney James R. Salisbury, of The Salisbury Firm, P.C, hereby designates the following fact witnesses:

1. Randy W. Stevens  
c/o THE SALISBURY FIRM, P.C.  
P.O. Box 1617  
Cheyenne, WY 82003  
307.634.2002

Mr. Stevens is an officer and shareholder of Quality Landscape & Nursery, Inc., the named Petitioner in this matter. Mr. Stevens may be called to testify regarding the organization of Petitioner; the business operations of the Petitioner; all matters pertaining to the limited mining operation property (“LMO Property”) including, without limitation, the limited mining operation permit for the LMO Property; removal of soils from the LMO Property; reports made to DEQ by Petitioner; the failing sheet pile wall immediately south of the LMO Property and situate in the alleyway owned by the Town of Saratoga, Wyoming (“Town”); grading plans for the LMO Property; site plans developed for the LMO Property; efforts taken by Petitioner to develop the LMO property including location and installation of utilities and obstacles thereto; requirements imposed on Petitioner by DEQ for the LMO Property; efforts taken by Petitioner to comply with DEQ requirements; communications with DEQ representatives regarding the LMO Property; the reclamation bond posted by Petitioner with DEQ; and the efforts taken by Petitioner to determine a suitable replacement for the failing sheet pile wall and the location thereof. Mr. Stevens will offer testimony on some or all of the above-listed areas of testimony.

2. Brian Goodnough  
STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
c/o David DeWald,  
Deputy Attorney General, Wyoming Attorney General's Office

Mr. Goodnough is employed by the Wyoming Department of Environmental Quality – Land Quality Division (“DEQ”) as a Surface Use Hydrologist. Mr. Goodnough is familiar with the failing sheet pile wall immediately south of the LMO Property and situate in the alleyway owned by the Town; inspections of the LMO Property he has performed and his findings resulting therefrom; inspections of the failing sheet pile wall, if any; reports prepared and/or generated by Mr. Goodnough relative to the LMO Property; inclusion of the failing sheet pile wall situate on property owned by the Town in the reclamation of the LMO Property, if granted; proposed actions of DEQ to fortify the failing sheet pile wall as a part of the reclamation process on the LMO Property, if granted; and reports received from the Town and/or members of the public regarding the failing sheet pile wall; communications with representatives of the Town concerning the LMO Property and/or the failing sheet pile wall; communications with Petitioner concerning the LMO Property and/or the failing sheet pile wall; and his investigations of the same and conclusions resulting therefrom. If called, Mr. Goodnough may offer testimony on some or all of the above-listed areas of testimony.

3. Kyle Wendtland  
STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
c/o David DeWald,  
Deputy Attorney General, Wyoming Attorney General's Office

Mr. Wendtland is the Land Quality Administrator for the Wyoming Department of Environmental Quality – Land Quality Division. If called, it is anticipated that Mr. Wendtland will testify as to the LMO permit and its parameters, restrictions and limitations; the existing bond for the LMO; the institution and prosecution of the instant bond forfeiture proceeding; DEQ safety concerns pertaining to the failing sheet pile wall; communications with representatives of the Town concerning the LMO Property and/or the failing sheet pile wall and communications with Petitioner concerning the LMO Property and/or the failing sheet pile wall. If called, Mr. Wendtland may offer testimony on some or all of the above-listed areas of testimony.

4. Paul R. “Robin” Jones  
STATE OF WYOMING  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
c/o David DeWald,  
Deputy Attorney General, Wyoming Attorney General's Office

Mr. Jones is the District 1 Supervisor for the Wyoming Department of Environmental Quality – Land Quality Division. If called, it is anticipated that Mr. Jones will testify as to the LMO permit and its parameters, restrictions and limitations; the existing bond for the LMO; the institution and prosecution of the instant bond forfeiture proceeding; DEQ safety concerns pertaining to the failing sheet pile wall; communications with representatives of the Town concerning the LMO Property and/or the failing sheet pile wall and communications with Petitioner concerning the LMO Property and/or the failing sheet pile wall. If called, Mr. Jones may offer testimony on some or all of the above-listed areas of testimony.

5. Creed James  
THE TOWN OF SARATOGA, WYOMING  
c/o Jane France  
SUNDAHL, POWERS, KAPP & MARTIN, LLC  
P.O. Box 328  
Cheyenne, WY 82003  
307.632.6421

Mr. James is the former mayor of the Town of Saratoga, Wyoming. If called, it is anticipated that Mr. James will testify as to all non-privileged matters, or which are otherwise protected from disclosure, pertaining to the failing sheet pile wall and efforts undertaken by the Town to address issues arising from the same; communications with representatives of DEQ concerning the LMO Property and/or the failing sheet pile wall; non-privileged communications with Town contractors concerning the LMO Property and/or the failing sheet pile wall; communications with third parties concerning the LMO Property and/or the failing sheet pile wall; and communications with Petitioner concerning the LMO Property and/or the failing sheet pile wall. If called, Mr. James may offer testimony on some or all of the above-listed areas of testimony.

6. Petitioner reserves the right to call as a witness at the hearing of this matter any and all witnesses, fact and/or expert, and corresponding areas of testimony, identified and listed by Respondent DEQ herein.

7. Petitioner further reserves the right to call as a witness at the hearing of this matter any and all witnesses, fact and/or expert, required for rebuttal not reasonably anticipated.

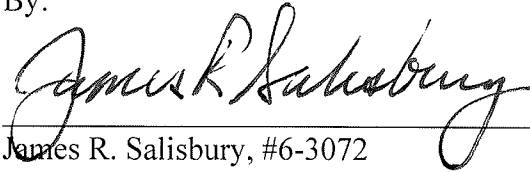
8. Petitioner further reserves the right to supplement this list of hearing witnesses as the identity of the same may become known, upon reasonable notice to the other party herein.

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DATED: May 16, 2023.

QUALITY LANDSCAPE & NURSERY, INC.  
Petitioner

By:

A handwritten signature in black ink, reading "James R. Salisbury", written over a horizontal line.

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COUNSEL FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document was served on the 16<sup>th</sup> day of May, 2023, to the following via the method indicated below:

David DeWald  
Deputy Attorney General  
STATE OF WYOMING,  
OFFICE OF THE ATTORNEY GENERAL  
Water & Natural Resources Division  
[David.DeWald@wyo.gov](mailto:David.DeWald@wyo.gov)  
- *COUNSEL FOR WYOMING DEPT.  
OF ENVIRONMENTAL QUALITY*

First Class Mail  
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 Email – *EQC portal*

Todd Parfitt, Director  
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Kyle Wendtland,  
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