

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

**IN THE MATTER OF THE APPEAL)
FROM THE PERMIT TO CONSTRUCT) Docket No. 23-3801
2023-025 PROTECT OUR WATER)
JACKSON HOLE)**

ORDER GRANTING PETITIONER’S MOTION FOR LEAVE TO AMEND

This matter came before the Council on Protect Our Water Jackson Hole’s (Petitioner) Motion for Leave to File Amended Petition for Review. After reviewing Petitioner’s motion, DEQ’s and Basecamp’s responses, and Petitioner’s reply, the hearing examiner finds that granting Petitioner leave to amend its Appeal of Notification of Coverage – Permit No. 2023-025 is appropriate in this case.¹ Petitioner shall have leave to file its First Amended Appeal of Notification of Coverage Permit No. 2023-025 in conformance with exhibit A attached to Petitioner’s motion for leave. The first amended appeal must be filed within five (5) business days from the date of this order. The first amended appeal may be filed without exhibits attached.

By granting Petitioner’s motion for leave, the Council does not make any finding, ruling, or judgment on the validity or merit of Petitioner’s original appeal, the amended appeal, or any claims, allegations, or requests for relief within them. By granting Petitioner’s motion for leave, the Council is simply allowing Petitioner to amend its original appeal as set forth in its motion. Nothing in this order prevents DEQ or Basecamp from challenging Petitioner’s first amended appeal and the claims within it.

¹ Petitioner’s motion for leave is decided by the hearing examiner without consideration by the full Council. See DEQ Rules, Practice and Procedure, Chapter 2.

All deadlines established in the Scheduling Order dated February 22, 2024 remain the same.

In light of the soon to be filed first amended appeal and DEQ's pending motion to dismiss, the hearing examiner requests that DEQ notifies the Council if it wishes to supplement its pending motion to dismiss to address the Petitioner's first amended appeal. If DEQ wishes to supplement its motion to dismiss, the Council will set appropriate deadlines for DEQ to supplement its motion and the parties to respond. If DEQ does not want to supplement its motion to dismiss, the Council will decide the motion to dismiss as filed.

IT IS HEREBY ORDERED that Petitioner's motion for leave to amend is granted.

IT IS FURTHER ORDERED that the first amended appeal must be filed within five (5) business days from the date of this order. The first amended appeal may be filed without exhibits attached.

IT IS FURTHER ORDERED that because DEQ has a pending motion to dismiss, DEQ must notify the Council within ten (10) business days from the date of this order whether it wishes to supplement its pending motion to dismiss to address the Petitioner's first amended appeal. If DEQ notifies the Council that it wishes to supplement its motion, the Council will issue a subsequent order with appropriate deadlines. If DEQ does not want to supplement its motion to dismiss, the Council will decide the motion as filed.

DATED this 18th day of June, 2024


Steve Lenz (Jun 18 2024 07:55 MDT)
Chairman Steve Lenz, Hearing Examiner
Environmental Quality Council