

To: Environmental Quality Council
State Of Wyoming

March 31, 2010

In The Matter Of The Objection }
To The Mine Permit Of } Docket No. 09--4806
Croell Redi – Mix, Inc.,TFN 5 6/072 }

FILED

APR 07 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

I printed the EQC's Findings of Fact, Conclusions of Law and Order from your website and after reading it Karen and I were motivated ,March 26,2010, to stop at the governor's office and we enjoyed our visit with Jim Ruby in his office. It was time well spent.

I have not met council members Cathy Gusschewsky or Tom Coverdale but by the sincerity of their voices and questions, over the phone, at EQC Dec. 21, 2009 hearing, I told Judy Bush, my wife, and many – many other people that if anyone had the common sense and courage to do their job of protecting Wyoming citizens' health, safety, and environment, it would be those two members. I thank them both.

My comments then are to Chairman Flitner and his followers, John Morris, David Searle, and Dennis Boal.

I believe that the first four Basic Facts, of the EQC's Findings of Fact, Conclusions of Law and Order (p.2) speak for the total report, the issuing of Croell's mining permit and what Wyoming citizens can expect from the EQC. Does money talk? Why is it more important for the EQC to approve this permit than to protect our future environment?

Findings of Fact --- Filed March 12, 2010 by EQC

Basic Fact:

1. Croell filed an initial application for a surface mining permit with DEQ on December 9, 2009. (Ex 11. Cover).
2. DEQ determined on October 9, 2009 that Croell's application was technically complete. (Tr. At 36)

FACT: The EQC accepted and approved that the Croell's application was technically complete two (2) months before initial application was filed. 'Great work guys.' It's great to see our environmental quality is in good hands. Does money talk?

3. Notice that the application was technically complete was published in the Sundance Times on October 15, 2009, October 22, 2009, October 29, 2009 and November 5, 2009. (Ex. 11. Proof of Publication)

FACT: The Public Notice in the Sundance Times on Oct. 15 – 22 – 29, 2009 and Nov. 5, 2009 stated that Croell Redi – Mix has applied for a mining permit. Nothing was said about

being technically complete. The Public Notice in the Sundance Times on June 4 and 11, 2009 also simply said that Croell Redi – Mix has filed for a mining permit.

4. Notice of the time and place for the hearing in this proceeding was sent to the parties on December 8, 2009. An amended notice of hearing sent on December 9, 2009. (Tr.at 5)

Fact: This is just one simple example of taking only what you want from evidence to justify your action, in this case that the permit had been approved before it had been filed. The notice on December 8, 2009 was never sent out of the office and to the parties. The Frost Rock Products LMO 1461ET is another example: Form was signed by Frost on 12/09/08, -- received by DEQ, Sheridan, 1/15/09,--approved the first time 2/17/09,--letter showed approval 3/3/09, also stated that Frost is assuming certain liabilities of Croell's violations. BUT: DEQ's 10 acre LMO inspection form from the LDQ District III on 7/2/09 shows that the permit was approved 12/12/08.

All this answers my question of why the EQC did not hold an informal hearing to have Croell show why the permit should be approved: It already had been!

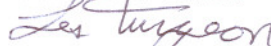
In your last Conclusions of Law is stated: Objectors did not show by at least a preponderance of the evidence why the permit proposed by DEQ was not "supported by relevant evidence" which a "REASONABLE MIND" might accept.

Fact: I find it very rude, disgraceful, and unethical (but what I have come to expect) by referring that Councilwoman Cathy Guschewsky and Councilman Thomas Coverdale do not have 'REASONABLE MINDS' because they voted against the permit proposed by DEQ. I personally believe they are intelligent and have the common sense to read, hear, understand all of the evidence, to evaluate this evidence and the courage to use the relevant evidence to vote NO. There is document after document, page after page of evidence that will support their decision. I will be using these filed documents in the future. It's time the public knows the truth. I will present the facts, the public can decide. Thank you, Cathy and Thomas, for trying to protect our health, safety and Wyoming's environment.

The Geology used in this application raised real concern and our investigation produced a USGS, Hydrology, Hazards, and Geomorphic Development of Gypsum Karst in the Northern Black Hills, South Dakota and Wyoming study. The Croell Geology report says that no investigation was done in the Spearfish Formation. A total investigation needs to be done before a permit is issued, once damaged our underground environment can not be restored but a mining permit can always be enlarged. This area is located in the Red Valley or what is known as the Race Track and needs to be of great concern to everyone. A 10 acre LMO is one thing, a 600 acre mining permit is quite another.

Fact: The question becomes quite simple: Is the DEQ's and EQC's job to protect the Wyoming's Citizens health, safety and the environment OR to issue mining permits?

Concerned citizen


Les Turgeon