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FILED

JAN 16 2014

**Jim Ruby, Executive Secretary
Environmental Quality Council**

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

**IN THE MATTER OF THE OBJECTIONS TO)
WIND RIVER MATERIALS, LLC PERMIT) DOCKET NO. 13-4808
APPLICATION, TFN 5 6/317)**

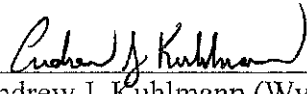
**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
MOTION TO DISMISS**

On January 15, 2014, counsel for the Wyoming Department of Environmental Quality ("DEQ") received an email (attached as Exhibit A to this filing) from Protestant, Ms. Jane Wardell, withdrawing her request for a hearing in this matter. Ms. Wardell also copied Mr. Jim Ruby, Executive Secretary for the Environmental Quality Council ("Council"), on the email.

DEQ does not object to Ms. Wardell withdrawing her request for a hearing. With Ms. Wardell's withdrawal, there are no longer any issues in this matter that need to be resolved through a contested case hearing before the Council. Therefore, DEQ hereby moves for dismissal of this contested case matter pursuant to Chapter I, Section 11 and Chapter II, Sections 3 and 14 of the Council's Rules of Practice and Procedure, and Rule 41 of the Wyoming Rules of Civil Procedure. Counsel for DEQ has spoken with Mr. Mark Quinn, representative for Applicant, Wind River Materials, LLC, and Mr. Quinn authorized counsel for DEQ to state here that Wind

River Materials does not oppose this motion.

Respectfully submitted this 16th day of January, 2014,



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CERTIFICATE OF SERVICE

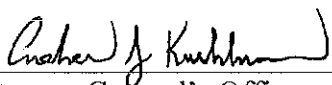
The undersigned certifies that on the 16th day of January, 2014, a true and correct copy of the foregoing *Wyoming Department of Environmental Quality's Motion to Dismiss* was served by delivering the same via electronic mail to:

Mark Quinn
Wind River Materials LLC
120 A East Elk St.
Kemmerer, WY 83101
mark.quinn@windrivermaterials.com

Jane Wardell
P.O. Box 98
Big Piney, WY 83113
eddie111@centurytel.net

Nancy Nuttbrock
LQD Administrator
nancy.nuttbrock@wyo.gov

Todd Parfitt
Director, DEQ
todd.parfitt@wyo.gov



Attorney General's Office



Fw: WRM small mining permit

Eddie Wardell <eddie111@centurytel.net>

Wed, Jan 15, 2014 at 7:15 PM

To: Andrew Kuhlmann <andrew.kuhlmann@wyo.gov>

Cc: Jim Ruby <jim.ruby@wyo.gov>, Nancy Nuttbrock <nancy.nuttbrock@wyo.gov>, John Erickson <john.erickson@wyo.gov>, Tanya King <tanya.king@wyo.gov>

Andrew Kuhlmann:

I am sorry, I used an incorrect email address from one of the letters we received.

Again, if we have missed notifying some one please let us know.

Eddie

----- Original Message -----

From: Eddie Wardell**To:** Andrew Kuhlman**Cc:** Jim Ruby ; Nancy Nuttbrock ; John Erickson ; Tanya King**Sent:** Wednesday, January 15, 2014 6:18 PM**Subject:** WRM small mining permit

Andrew Kuhlman:

In the matter of the Mine Permit Application of Wind River Materials, LLC

TFN 5 6/317

This morning after a message from my doctor, I decided I was not physically able to continue to a contested case hearing, tho I have gathered some pertinent information about this area.

I apologize, but I must withdraw my request for a hearing. This matter is of great importance to my family and our neighbors. Very few people have any idea how to defend themselves from an intrusion into their lives of this magnitude. When this matter first came to us, we believed it would be resolved at the county level with Planing and Zoning. This has been a hard lesson learned.

Please know that I regret making work for you and your staff and in withdrawing so late.

Thank you all for your consideration. Please notify me if I have not served notification to all those necessary in this matter.

Very Sincerely,

Jane Wardell

P.S. I canceled earlier in the day with Jim Ruby by phone. I had to wait until evening for my son to send this email.

I have emailed my decision to Mark Quinn of WRM and Clyde Rainey earlier this afternoon.