

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

IN RE: THE OBJECTIONS TO CANYON )  
CONCRETE SAND & GRAVEL LTD LLC, ) DOCKET 14-4801  
TFN 5 3/313 )

**FILED**

APR 02 2014

Jim Ruby, Executive Secretary  
Environmental Quality Council

**MOTION TO DISMISS OBJECTIONS**

COMES NOW Canyon Concrete Sand & Gravel Ltd LLC (hereinafter "Canyon Concrete"), by and through its undersigned attorney, and hereby submits its Motion to Dismiss the objections/comments of the "Objectors" by and for the following reasons:

1. Objections or comments have been filed by David and Helen Robertson; Mrs. Barbara Wilkerson; and David and Sandra Allshouse.

2. Mrs. Wilkerson has stated that upon review of the County Permit her objections/comments have been satisfied and will withdraw them in writing from this matter. See Exhibit 1. However, she has yet to do so.

3. Mr. and Mrs. Allshouse have stated that they have reviewed the Permit issued by Park County and have apparently withdrawn their objections/comments by letter dated March 27, 2014.

4. Mr. and Mrs. Robertson have not indicated a willingness to withdraw their objections/comments unless Canyon Concrete agrees to plant one or more hedges at one or more places between the boundary of the mine and the Robertson home. Discussions regarding the Robertsons' request have been held between Robertsons and a representative of Canyon Concrete.

5. The Robertsons have expressed both health concerns and aesthetic concerns with regard to the mine operation. The Permit from Park County did not impose any requirement for a hedge or windbreak between the permit boundary and the Robertson

property. The east boundary of the Robertson property abuts the west boundary of the mine permit. For the following reasons the request of the Robertsons should be dismissed:

a. From the Robertson home to the present mining site is a distance of about 400 yards.

b. It will take many, many years for the mine to proceed in a westerly direction to reach the west boundary, which is about 145 yards from the Robertson home.

c. The aesthetic objection is covered under the terms and conditions of the permit whereby the crusher is to remain below ground level.

d. The concern about dust has been mitigated by virtue of the terms and conditions of the Park County Permit not to mine when the wind exceeds 15 miles per hour and further mitigated by the requirement for watering or placing surfactant while crushing gravel and the surface of the mine itself. Further, the prevailing winds are west and northwest; Robertsons are located up wind.

e. Noise abatement has been provided for by the Park County Permit concerning limits on hours of operation and decibel levels.

f. Installation of a windbreak proposed by Mr. and Mrs. Robertson is costly. For the 77 yard length along the fence separating the Robertson yard from the Robertson irrigated pasture would require planting the 5 foot Colorado Blue Spruce trees amongst a buried sprinkler system. It would require a minimum of 24 trees at \$340.00 per tree, plus \$45.00 for materials. The total cost is estimated at \$8,205.00, without taking into consideration problems encountered within the buried sprinkler system. We suspect that greatly



increases the cost. (Cost per tree estimated by Northern Gardens of Cody, including labor).

**NOTE:** The Robertson's alternative windbreak is a 3 row planting along the 180 yard boundary line. No estimate of costs was requested by Canyon Concrete.

g. It is believed that should Canyon Concrete agree to or be required to plant the hedge or windbreak as desired by Robertson, other adjoining landowners will then insert such requests, creating the possibility that ultimately Canyon Concrete may have to plant a hedge or windbreak surrounding the entire mine area.

h. The water source has been addressed in the County Permit.

i. The area is agricultural and satellite photo shows an abundance of irrigated fields for deer, ducks and geese. Further, Canyon Concrete will keep undisturbed lands productive.

WHEREFORE, Canyon Concrete prays as follows:

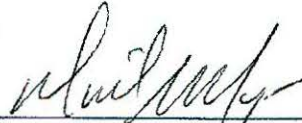
1. That if not already withdrawn in writing, the objections/comments of Mrs. Wilkerson be denied and dismissed for the reason that her objections have already been addressed in the Park County Permit.

2. That if not already withdrawn in writing, the objections/comments of Mr. and Mrs. Allshouse be denied and dismissed for the reason that their objections have already been addressed in the Park County Permit.

3. That the objections/comments of Mr. and Mrs. Robertson be denied and dismissed for the reasons that the concerns have been addressed in the Park County Permit; that the distance from the Robertson home to the present mine site, as well as the

mine boundary, is too great to have an impact on the Robertson property; and the cost is prohibitive.

DATED this 2nd day of April, 2014.



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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 2nd day of April, 2014 I served a copy of the above and foregoing **Motion to Dismiss Objections** on the parties by delivering a true and correct copy by electronic email as follows:

David Allshouse  
Sandra Allshouse  
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Michael S. Messenger