

FILED

NOV 08 1999

Theresa A. Lammiman, Attorney
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF OBJECTIONS)
TO THE MINING PERMIT APPLICATION) DOCKET NO. 3067-98
OF REEVES, INC., TFN 3 4/213)

ORDER

The Applicant, Reeves, Inc., (Reeves) and the Protestants; Paul and Suzanne Del Rossi, Jonathan and Melicent Herschler, Earl and Kathy Israel, Jack and Sophie Pelissier, Robert and Virginia Connor, Mel and Beverly Hindebrand, Jerry and Susan Baker, Mike and Renee Conroy, and Edna Panetta, in the above entitled case having entered into settlement agreements, and the Department of Environmental Quality (DEQ) having stated its opposition to appending the agreements to the Applicant's mine permit, the Environmental Quality Council (EQC) has reviewed briefs submitted by the parties. The EQC acknowledges the stipulations and their affect over the Protestants and the mine.

FINDINGS OF FACT:

1. In August of 1998 Reeves, Inc., the Applicant, applied for Small Mine Permit TFN 3 4/213.
2. The DEQ approved Permit #TFN 3 4/213 and Reeves published notice of the pending permit pursuant to Section 35-11-406, W.S. 1999.
3. The above named Protestants objected to the permit and a hearing before the Environmental Quality Council was scheduled.
4. The Council hearing was vacated to allow settlement negotiations and the Applicant and the Protestants entered into a settlement agreement and withdrew their objections.
5. DEQ did not participate in the settlement among the parties and it has opposed attaching the

provisions of the stipulation as conditions on Permit #TFN 3 4/213.

6. The Protestants have the right to seek a rehearing before the Council where they can present evidence and argument on those issues they believe to be within the Council's jurisdiction on public nuisance.


CONCLUSIONS OF LAW

1. The Environmental Quality Council has jurisdiction over the subject matter of and the parties to this proceeding.
2. The parties to this proceeding, with the exception of DEQ, have entered into a settlement agreement that is enforceable between the signatories to the agreement.
3. This agreement should not be attached to Permit #TFN 3 4/213 as conditions on that permit.

IT IS HERE BY ORDERED THAT:

The Director of the Department of Environmental Quality shall acknowledge the stipulation that has resolved the objections to the permit and issue Permit TFN 3 4/213 to Reeves Inc.

DATED this 5TH day of November, 1999.



Pat Hand, Hearing Examiner
ENVIRONMENTAL QUALITY COUNCIL
Herschler Building, Rm 1714
122 W. 25th Street
Cheyenne, WY 82002
Tel: (307) 777-7170
Fax: (307) 777-6363

CERTIFICATE OF SERVICE

I, TERRI A. LORENZON, certify that at Cheyenne, Wyoming, on the 8th day of November, 1999, I served a true and correct copy of the foregoing Order, by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Timothy J. Kirven
(attorney for Reeves, Inc.)
P. O. Box 640
104 Fort Street
Buffalo, WY 82834-0640

Jonathan & Melicent Herschler
JMH Ranch
P. O. Box 368
Big Horn, WY 82833

Kim D. Cannon
(attorney for Paul & Suzanne Del Rossi)
40 South Main Street
P. O. Box 728
Sheridan, WY 82801

Earl & Kathy Israel
Box 3
Big Horn, WY 82833

Jack & Sophie Pelissier
P. O. Box 205
Big Horn, WY 82833

Robert & Virginia Connor
c/o Connor & Lansing
50 E. Loucks Street
Sheridan, WY 82801

Mel & Beverly Hildebrand
997 Beaver Creek Road
Sheridan, WY 82801

Jerry & Susan Baker
1001 Beaver Creek Road
Sheridan, WY 82801

Mrs. Walter Panetta
954 Beaver Creek Road
Sheridan, WY 82801


Mike & Renee Conroy
1005 Beaver Creek Road
Sheridan, WY 82801

and also to the following persons via interoffice mail:

Dennis Hemmer, Director
Department of Environmental Quality
122 W. 25th Street
Cheyenne, WY 82002

Rick Chancellor, Administrator
Land Quality Division
Department of Environmental Quality
122 W. 25th Street
Cheyenne, WY 82002

Thomas A. Roan
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, WY 82002



Terri A. Lorenzon
Director/Attorney