

ENVIRONMENTAL QUALITY COUNCIL

FILED

IN THE MATTER OF THE APPLICATION FOR
MINING PERMIT FILED BY ALTHOFF, INC., d/b/a ALTHOFF
CONSTRUCTION AND SANITATION COMPANY

JAN 12 1976

Ardelle A. Ruder, Clerk
Environmental Quality Council

STIPULATION

Althoff, Inc., d/b/a Althoff Construction and Sanitation Company of Cody (Althoff) by and through its attorney, Richard W. Day of Cody, Wyoming, and Merle Byers, Elva Byers, Norman J. Hayes, Norma R. Hayes, Ralph Parkin, Shirley Parkin, Howard Quick and Ella Quick (Petitioners) by and through their attorney, Richard W. Ferry, Cody, Wyoming, do hereby stipulate and agree as follows:

1. That the hearing and other proceedings concerning Althoff's application for Mining Permit and Petitioners' Notice of Protest may be conducted in Cheyenne, Wyoming, or in other places selected by the Department of Environmental Quality other than in the area of the mining operation.
2. That Althoff and Petitioners waive their right to the public hearing provided for in W.S. 35-502.24(f) and agree that the Council may grant or deny the permit based upon the records of the Department of Environmental Quality, the agreements and stipulations contained herein, and the Simultaneous Briefs of Althoff and Petitioners filed herewith.
3. That on or about July 17, 1975 Althoff was served with a Cease and Desist Order concerning his mining sand and gravel from lands owned by J. Millard Smith, M.D., east of Cody, Wyoming.
4. That on or about October 8, 1975 Althoff was served with a Cease and Desist Order concerning his mining sand and gravel from lands being purchased by Althoff north of Cody, Wyoming.
5. That subsequent to such Cease and Desist Orders Althoff has not mined sand or gravel, but has removed stockpiled materials from the mining operation areas east of Cody, Wyoming and north of Cody, Wyoming.
6. That prior to Althoff's mining sand and gravel from the J. Millard Smith property east of Cody, Wyoming, sand and gravel had been mined and removed by other parties. Petitioners

in their Notice of Protest allege that Althoff has not reclaimed the area mined east of Cody, and Althoff alleges that it has made proper reclamation of the area it mined. The parties acknowledge that the Department of Environmental Quality has made its own investigation of the mining and reclamation and has facts at its disposal upon which a determination may be made as to the reclamation of the mined area east of Cody.

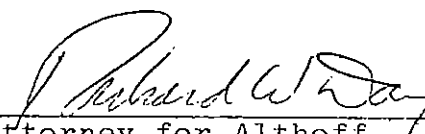
7. That Althoff has filed with the Department of Environmental Quality its Application for Permit to Mine dated October 21, 1975.

8. That Althoff has caused notice of the application to be published in the Cody Enterprise on October 29, November 5, November 12 and November 19, 1975.

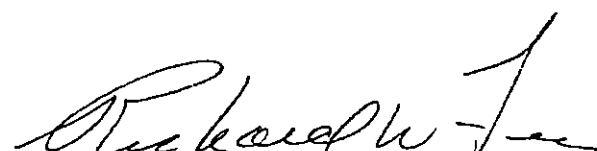
9. That Althoff has caused copies of the Notice published in the Cody Enterprise to be sent by certified mail to the owners of the surface and mineral rights of the immediately adjacent lands, as well as to all Petitioners by certified mail on October 29, 1975, return receipts therefore being filed with this Stipulation.

9. That by letter dated December 31, 1975, the Board of County Commissioners, Park County, Wyoming, advised the Department of Environmental Quality that the use of the lands by Althoff for sand and gravel mining was consistent with the Zoning Regulations of Park County, Wyoming.

DATED January 9, 1976.



Attorney for Althoff



Attorney for Petitioners