

FILED

AUG 09 1985

BEFORE THE LAND QUALITY DIVISION OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY, CHEYENNE, WYOMING

Terri A. Lorenzon, Adm. Aide
State Office, Cheyenne, Wyoming



LeROY GRAMS)
)
 Mineral Rights Owner,)
)
 REGARDING SPECIFICALLY, BUT) OBJECTIONS TO PAST MINING PERMITS
 NOT LIMITED TO:) AND PRESENT APPLICATION
) TO MINE
)
 AMAX'S EAGLE BUTTE MINE)
 CAMPBELL COUNTY, WYOMING)
)
 Mining Company.)

OBJECTIONS

THE PROTESTANT, LeROY GRAMS objects to Amax Coal Company's existing mining permits, and their present application for a mining permit for The Eagle Butte Mine, Campbell County, Wyoming, and as grounds for these objections state and allege as follows:

I.

Amax Coal Company has Mining Permits 428, 428 A-1, 428-A2, and 428-R1 pertaining to the Eagle Butte Mine.

II.

Amax Coal Company has applied for a mining permit through this Department at present regarding Eagle Butte Mine.

III.

Protestant is an interested person under the Wyoming Environmental Quality Act and is owner of mineral rights on land adjacent to the Eagle Butte permit area, and proposed permit area. Protestant owns mineral rights on the following described land:

The northeast quarter, the northeast quarter of the northwest quarter of Section thirty-three and the northwest quarter of Section thirty-four in Township fifty-one north of Range seventy-two west of the Sixth Principal Meridian, Wyoming.

Said parcel of land contains 360 acres, more or less.

IV.

A leak of pre-sale data on the controversial 1982 sale of rights to mine 1.6 billion tons of coal in the Powder River Basin of Wyoming and Montana, including Little Rawhide Creek tract in Campbell County, Wyoming should render the entire sale void.

Fed's

V.

At the bidding of Little Rawhide Creek tract all those present were put on notice of all the pending litigation which included The Northern Cheyenne Tribe, The National Wildlife Federation and The Northern Plains Resource Council.

Fed's

VI.

On April 28, 1982 Max Lieurance, the State Director for Wyoming stated in part:

"Furthermore, as the Court mentioned a moment ago, the doctrine of lis pendens would be applicable to the prospective bidders and they would take the lease, if they were successful, subject to the possible outcome of this litigation."

VII.

Recently a Federal Judge, namely U. S. District Judge James Battin voided the controversial sale of rights to mine some 363.6 million tons of federal coal in the Powder River Basin of southeastern Montana in 1982.

VIII.

Protestant herein adopts the entire ruling which will help or aid him in these Objections. Said Ruling to be that issued by the Honorable Judge James Battin as issued regarding The Northern Cheyenne Indian Tribe, which voided the 1982 coal sale.

Most specific citation specific sections

IX.

Protestant herein adopts the "Objections" submitted by Landowner Mary H. Grams by reference.

X.

The controversy about test holes drilled on the Permit Areas and proposed Permit Area reflect that they were drilled after a Bureau of Land Management permit expired. No remapping was done in regard to this.

XI.

As the name "Eagle Butte Coal Mine" implies, a Bald Eagle has been known to roost on the Landowner's property as described herein. No mention of this can be found in the files as required.

XII.

Evidence indicating the presence of black-footed ferrets should have been given consideration in establishing a buffer zone, since the food for both the eagle and black-footed ferret would in this area, require more space.

XIII.

No provision has been made, or consideration given in regard to private oil and gas leases as in the case of federal leases. Abandoned oil and gas wells should have been given consideration also.

XIV.

If it is proven that data on the test holes was collected beyond the terms of the exploration permit, it would be grounds for rejecting the lease application.

XV.

"Interior Secretary William P. Clark said Thursday he has asked the Justice Department to review controversial federal coal leases issued for low prices in the Powder River Basin, including Campbell County. "In testimony before the House Appropriations interior subcommittee, Clark said he might cancel the leases if he determined that anybody had acted illegally."

WHEREFORE, Protestant Prays that the existing permits as it pertains to Amax's Eagle Butte Mine be voided and any further Application be denied.

Dated August 30, 1985.

LeROY GRAMS

By _____

LeROY GRAMS
4676 West Ponds Drive
Littleton, Colorado 80123

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing paper was served on Amax Coal Company by mailing the same on August 30, 1985 in a postage paid wrapper addressed to him/her/them at: Amax Coal Company, Western Division Offices, 1901 Energy Court, P. O. Box 3005, Gillette, Wyoming 82716-0605, and that said wrapper was sent Certified Mail, Return Receipt Requested.

Dated August 30, 1985.

LeROY GRAMS