

Issues No One Disputes

- General Scope of the Council's authority to determine:
 - All cases or issues under the EQA
 - Conduct all hearings about administering the EQA
 - Grant or deny permits under the EQA

Wyo. Stat. Ann. § 35-11-112(a)

- Wyoming Supreme Court confirming that authority
 - *Wyo Dep't of Env'tl Quality v. Wyo. Outdoor Council*, 286 P.3d 1045 (Wyo. 2012)
 - *Platte Dev. Co. v. State Env'tl Quality Council*, 286 P.3d 1045 (Wyo. 2012)
 - *Rissler & McMurry Co. v. State*, 917 P.2d 1157 (Wyo. 1996)

Issues No One Can Dispute

- 35-11-406(k) requiring an informal conference or a public hearing within 20 days.
- Wyoming Supreme Court stating the Council was “required” to hold a 20-day hearing when the director did not hold an informal conference. *Grams v. Env'tl Quality Council*, 730 P.2d 784, 786 (Wyo. 1986).

Red Herrings

- Compliance with SMCRA
- Section 406(k)'s “may” vs. Ch.3 § 3's “shall”
 - statutes trump regulations
- Public Participation
- Due Process

What should
the Council
do?

Stop the Delays & Avoid a
Quagmire