



Jim Ruby <jim.ruby@wyo.gov>

Fw: Numerous additional technical inadequacies in WDEQ-LQD Mining Permit 267C

1 message

Ronald Ericsson <ericsson@childselect.com>

Mon, Aug 13, 2018 at 9:17 AM

To: "jim.ruby@wyo.gov" <jim.ruby@wyo.gov>, "joe.garardin@wyo.gov" <joe.garardin@wyo.gov>, "sryemington@hollandandhart.com" <sryemington@hollandandhart.com>

From: Ronald Ericsson on behalf of Ronald Ericsson <ericsson@childselect.com>**Sent:** Friday, August 10, 2018 11:09 AM**To:** kyle.wendtland@wyo.gov**Cc:** todd.parfitt@wyo.gov; josh.malmberg@wyo.gov; bridget.hill1@wyo.gov; kari.gray@wyo.gov; SecofState@wyo.gov; treasurer@wyo.gov; SAOAdmin@wyo.gov; askthesuperintendent@wyo.gov; Ogden.Driskill@wyoleg.gov; tyler4hd1@gmail.com; Tyler.Lindholm@wyoleg.com; scottaericsson@gmail.com; rolandericsson@cox.net; Beverly Keegan; Jean Ericsson; mvictoria.ericsson@gmail.com; Julie Anderson; Spencer Ericsson; gargawill@gmail.com; Raenell Taylor; o.b. webb; don.eisenhour@colloid.com; Lyndon.Bucher@mineralstech.com; rodney.raber@colloid.com; rodney.wheaton@mineralstech.com; mark.wardell@colloid.com; sara.vetter@colloid.com; Melody Smith; Warren.Scott@halliburton.com; Joel Severin; Tyler Tetrault; Jennifer Hartman; Meredith & Anthony Tavaglione; teamwy@fosterfriess.com; vackerman@spe.midco.net; fmclarkson@msn.com; Roxie Dacar; Jim Dacar; Levi Dacar; dacar9625@gmail.com; Kim Hayworth; Lucy Pauley; schlosserangus@rangeweb.net**Subject:** Numerous additional technical inadequacies in WDEQ-LQD Mining Permit 267C

8-10-2018

Kyle Wendtland
Administrator
Department of Environmental Quality
200 West 17th Street
Cheyenne, WY 82002

RE: Numerous additional technical inadequacies in WDEQ-LQD Mining Permit 267C – Wyoming State Mineral Lease 42804 – TFN #6 1/197)

Dear Mr. Kyle J. WendtLand:

We would like you to clarify why WDEQ-LQD Mining Permit 267C – Wyoming State Mineral Lease 42804 – TFN #6 1/197) contains these technical inadequacies (this is in addition to the technical inadequacies we requested information from you via email 7/20/2018):

1. Why does the permit not adhere to W.S. 35-11-416, Protection of the surface owner? This statute states:
(a) In those instances in which the surface owner is not the owner of the mineral estate proposed to be mined by mining operations a permit shall not be issued without the execution of a bond or undertaking to the state, whichever is applicable, for the use and benefit of the surface owner or owners of the land, in an amount sufficient to secure the payment for any damages to the surface estate, to the crops and forage, or to the tangible improvements of the surface owner. This amount shall be determined by the administrator and shall be commensurate with the reasonable value of the surrounding land, and the effect of the overall

operation of the landowner. This bond is in addition to the performance bond required for reclamation by this act. As damage is determined it shall be paid. Financial loss resulting from disruption of the surface owner's operation shall be considered as part of the damage. A bond for surface damage shall not be required when the agreement negotiated between the surface owner and the mineral owner or developer waives any requirement therefor. Payment of damages shall be paid annually unless otherwise agreed to by the surface owner and the operator.

The permit does not contain a bond or any undertaking for the use and benefit of the surface owner or owners of the land for damages. There is no agreement between the surface owner and the mineral owner or developer. Calculated damages should at a minimum include the following:

- a. Depreciation of land (rule of thumb from state certified appraiser – removal of trees reduces the value of the entire ranch by half). Impacts of mining and reclamation for 30 years will severely diminish the value of the entire ranch.
- b. Livestock operation (reduced AUM's, rate of gain, fertility, etc.)
- c. Hunting operation (loss of habitat and subsequently fewer hunters).
- d. Loss of 30 years of tree growth for the 10,936 trees to be removed due to mining. habitat
- e. Etc.

2. Why does the permit not follow W.S. 35-11-406, Application for permit; generally; denial; limitations, (vi) which requires an estimate of the total cost of reclaiming the affected lands as outlined in the written proposal computed in accordance with established engineering principles? There is nothing in the permit about the reclamation costs of trees, springs, marshes, wetlands, and wildlife habitat. The reclamation costs and plan need to conform to W.S. 35-11-402, Establishment of standards which states: reclamation standards for the affected areas, including but not limited to: (i) The highest previous use of the affected lands, the surrounding terrain and natural vegetation, surface and subsurface flowing or stationary water bodies, wildlife and aquatic habitat and resources, and acceptable uses after reclamation including the utility and capacity of the reclaimed lands to support such uses; and (iv) Revegetation of affected lands including species to be used, methods of planting and other details necessary to assure the development of a vegetative cover consistent with the surrounding terrain and the highest prior use standards.

3. W.S. 35-11-406, Application for permit; generally; denial; limitations, (iv) states that the names and last known addresses of the owners of record of the surface and mineral rights on the land to be covered by the proposed permit should be included as part of the permit. Why does the permit not include the following mineral rights owners?

Lisa Kuzara Bradford
George P. Kuzara Jr.
Doug Peterson
Kay Wischhoefer
Mark Robinson
Cheryl Goehring
Stacy Robinson
Ralph Robinson
Christine Lamb
Linda Gilbert

4. Why does the permit include Wyoming State Mineral Lease 42804 (WSL04) when it is invalid due to violation of the Rules and Regulations, Board of Land Commissioners, Chapter 22 Leasing of Bentonite, adopted pursuant to the authority granted in W.S. 36-6-101(b) which states: (e) On lands in which the state owns less than the entire interest in the bentonite estate, a lease will be issued by the Board covering the state's interest independent of the other co-owners? This lease is invalid as it includes the mineral rights of the above individuals:

5. Why does the permit contain a Cultural Resources section that states the Office of State Lands and Investments does not require a cultural survey when they do have the surface rights, thereby no authority to make this decision? We the surface rights owners want a cultural survey.

We await your response.

Sincerely,

Ronald J. Ericsson, PhD

Scott A. Ericsson, PhD

Roland S. Ericsson, Attorney at Law