

November 1, 2024

Ms Kelly Doaan,
Executive Officer
Environmental Quality Council
2300 Capitol Ave.
Hathaway Bldg. Room 136
Cheyenne WY 82002

FILED

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ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

Dear Ms Doran,

We have received the October 7th, 2024 notification of the Department of Environmental Quality approval of the Evans Construction Company's application for a Small Mine Permit (TFN71/193) virtually without modification.

I wish to appeal the decision, as Managing Member of DFR LLC, the limited liability corporation that owns the Dell Fork Ranch which abuts the Evans property on 3 sides. The members of the LLC are me and my immediate family.

My appeal is based on several factors. In spite of the evidence in the letter from Alder Environmental and multiple longtime residents, the Department has, to the contrary, taken at face value the applicant's claim that the water flow through the property is seasonal. I believe this assumption to be incorrect.

I will ask WGFO to review their claim that there were no raptors breeding within ½ half mile of the Evans site. As in the past, this summer a bald eagle's nest with chicks was on the ridge of USFS property which borders Dell Fork Ranch to the east. Also, we have had rufous hummingbirds at our ranch property every summer since our purchase of it in 2013.

There appear to be no setback restrictions. In fact the diagram in the application shows excavation right up to our driveway, which is the property line, along at least 800 feet with an incredibly 3:1 grade. This is inherently extremely dangerous, especially in winter. Current county zoning regulations are very specific that no mining may be done within 50 feet of a property line. Common sense also requires a more gradual slope than what is depicted on the schematic in the application.

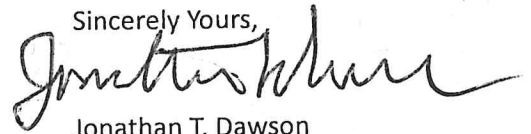
Upon close examination of that same schematic of the slopes of excavation, it is evident that no consideration is given to the proximity of Dell Creek which flows through the south portion of the property. The same 3:1 slope is shown very close (less than 50 feet) to this significant creek which can flow at flood levels during heavy spring runoffs some of which are massive. The depth of excavation is far below the bank of the creek.

Finally, a 20-year permit with no mandatory renewals is way too long. In addition, the hours of operation (6 am to 7 pm) six days a week gives no recognition of the well-documented legal right of quiet enjoyment by adjoining landowners.

In summary, granting this application in its fullest substantially increases the risk of damage to our property and our water sources for given the very nature of the mining of gravel.

Please use this address on the letterhead above for any further correspondence. Thank you in advance for your attention to this notice.

Sincerely Yours,



Jonathan T. Dawson
Managing Member, DFR LLC