

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAY 21 1993

Terri A. Lorenzon, Attorney
Environmental Quality Council

IN THE MATTER OF A MINING PERMIT)
APPLICATION OF RISSLER & MCMURRY, INC.) DOCKET NO. 2373-92
TFN 2 6/247)

NOTICE OF HEARING AND ORDER

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NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council will commence the hearing in this matter at 7:00 p.m. on June 24, 1993, and the hearing will continue on August 19 and 20, 1993. The hearing will be held at the Oil & Gas Commission Hearing Room (Basko Building), 777 W. 1st Street, Casper, Wyoming. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. Kim D. Cannon will serve as Hearing Examiner.

2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1428, W.S. 1977, As Amended, regulations promulgated thereunder, and the Department of Environmental Quality Rules of Practice and Procedure.

3. Numerous protestants have objected to the proposed issuance of small mine permit TFN 2 6/247 to Rissler & McMurry, Inc. People who have filed their objections have stated generally that the mining operation will severely impact the lives of those who live near the proposed mining operation. These people have also stated their concerns about the potential destruction of the scenic beauty of the area, and potential impacts to a spring known as the Goose Egg Spring or Speas Spring. A portion of Bessemer Mountain where the proposed mining operation will be located, has been designated as the rare and uncommon by the Environmental Quality Council. Section 35-11-112. Because of the great

number of objections filed to this proposed mining operation, any person interested in seeing the specific objection of an individual protestant or group of protestants, should review the file kept at the office of the Environmental Quality Council, Rm. 407, 2301 Central Avenue, Cheyenne, Wyoming.

3. The particular statutes and rules upon which the Protestants are relying as grounds for denial of this mine permit application, other than Section 35-11-112, have not been set forth at this time.

4. The Environmental Quality Council will evaluate the proposed permit pursuant to Section 35-11-406(M), and the Land Quality Rules and Regulations that pertain to small mining permits.

5. The Department of Environmental Quality, Land Quality Division, and the Applicant, Rissler & McMurry, Inc., assert that the mine permit application is complete and meets all statutory and regulatory requirements. The Department has recommended that the permit be issued.

NOTICE IS FURTHER GIVEN THAT:

1. A prehearing conference in this matter will be conducted on June 24, 1993 at 7:00 p.m. This prehearing conference will precede the formal opening of the hearing on that same evening. The prehearing conference will be held at the same location as the hearing.

2. The purpose of the prehearing conference is:

a. Identification of witnesses, their addresses, phone numbers, and the substance of their proposed testimony;

b. Clarification of the legal issues, both substantive and procedural, of all the parties;

- c. Stipulation to uncontested facts;
- d. Examination and marking of proposed exhibits and entering into stipulation as to the foundation and admissibility with respect to the exhibits; and
- e. Estimation of the time required for hearing of the above case.

3. To facilitate the prehearing conference, all parties shall submit a prehearing memorandum which shall include a list of witnesses, their addresses, phone numbers, a summary of the substance of their proposed testimony, a list of exhibits, and a summation of the facts and legal issues, on the Environmental Quality Council, and the Department of Environmental Quality, and all other parties to the proceeding by the end of the business day on June 18, 1993.

O R D E R

IT IS HEREBY ORDERED THAT:

1. All parties shall file and serve all motions in this matter by the end of the business day on June 11, 1993, and responses to said motions must be filed with the Environmental Quality Council and all of the parties to this proceeding by the end of the business day on June 18, 1993;
2. All parties shall appear on June 24, 1993 at 7:00 p.m. to participate in the prehearing conference, to present or argue all legal motions or other preliminary matters, and to make opening statements;
3. Any party who cannot attend on June 24 and who intends to participate as a party in this case must make a formal, written request to be excused from this portion of this hearing. This request should be made to the Hearing Examiner at the offices of the Environmental Quality Council. The Hearing Examiner may excuse personal attendance on June 24, 1993 for

good cause;

4. All parties shall appear on August 19 and 20, 1993 to present evidence;

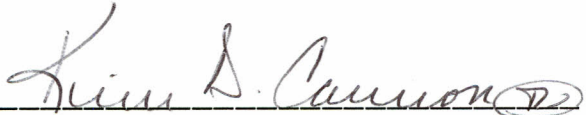
5. All parties shall serve the prehearing memorandum on all other parties and the Environmental Quality Council in accordance with the above-stated schedule. The address of the Environmental Quality Council is:

Environmental Quality Council
2301 Central Avenue, Room 407
Cheyenne, WY 82002

6. No continuances shall be granted unless a motion showing good cause for the continuance and a stipulation to the continuance signed by all parties to the proceeding, is filed with the Council no later than the end of the business day on June 18, 1993, and the Hearing Examiner finds that good cause has been shown; and

7. Any party who does not file a prehearing memorandum by the close of the business day on June 18, 1993 or who does not appear at the commencement of the hearing on June 24, 1993, and who has not been excused from the hearing by the Hearing Examiner, shall be dismissed from this case.

DATED THIS 20th day of May, 1993.


KIM D. CANNON, Hearing Examiner

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 21st day of May, 1993, I serve a copy of the foregoing Notice of Hearing and Order, be depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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25th Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the day of May, 1993, I served a copy of the foregoing Notice of Hearing and Order by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 7th day of June, 1993, I served a copy of the foregoing NOTICE OF HEARING AND ORDER by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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