

February 7, 2002

Ms. Wendy Hutchinson, Chairperson
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002

FILED

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Terri A. Lorenzon, Director
Environmental Quality Council

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Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002

Mr. Dennis Hemmer, Director
Department of Environmental Quality
Herschler Building, 4th Floor West
122 West 25th Street
Cheyenne, WY 82002

SENT BY REGISTERED MAIL

Re: Permit No. CT-2657

REQUEST FOR HEARING AND STATEMENT OF OBJECTION

Ladies and Sir:

Pursuant to General Rules of Practice and Procedure, Chapter 1, Section 2(a)(ii), we are filing herein a Petition protesting the issuance of Permit No. CT-2657 as filed by Western Gas Resources. Said Permit CT-2657 is for the Mizer Draw Compressor Station located in Township 54 North, Range 76 West, 6th P.M., Section 14: SE1/4. Pursuant to the Wyoming Administrative Procedure Act and the Wyoming Environmental Quality Act, the reasons for our objection to the issuance of Permit CT-2657 shall be described below.

The Protestants are Peter J. Dube and Carey L. Dube, fee owners of the above-described real property. The address of the Protestants is #8885 U.S., 16 West, Buffalo, Wyoming, 82834. The Permittee is Western Gas Resources, 12200 North Pecos Street, Denver, Colorado, 80234. The following objections are presented at this time, but are not to be construed as the entire record in this matter.

1. During this particular permitting process, Western Gas Resources did not proceed in a good-faith manner during the process. As surface owners of the above-described real property, Protestants were never contacted by Western Gas Resources regarding their intention to become permitted for the Mizer Draw Compressor Station. On or about February 1, 2002, we were contacted by Western Gas Resources regarding their intent to place a repeater station on our real property. Protestants inquired of the company if there was any intent to place a compressor station on our real property, and the representative of Western

Gas Resources stated that there may be a proposed station in the works, but nothing has happened so far. The truth is that Western Gas Resources had, in fact, started the permit process as early as June of 2001. Public Notice was published in the Gillette News Record on November 13, 2001. Western Gas Resources has full knowledge that Protestants do not live in Gillette, Wyoming, nor would they have the desire to subscribe to a newspaper published in a community in which they do not reside. This failure to notify the landowners is a continued showing of a lack of good faith on the part of Western Gas Resources and a violation of due process.

2. The private fee lands in question are utilized by Protestants for the purposes of raising beef cattle, grazing horses, conducting outfitting activities, as well as recreational opportunities for family and friends of Protestants. In that regard, Protestants object to the permit based on the fact that the Mizer Draw Compressor Station will emit NO_x, CO, VOCs and HAPs, therefore, creating air pollution. This results in an unsafe and dangerous environment in which we wish to raise our family. There is also a risk of fire at the site of a compressor station, and Protestants will not risk losing the productivity of the land due to loss by fire. Any air pollution is too much pollution according to private landowners, the Protestants herein.

3. The reason behind the purchase of the lands described above by Protestants was for the additional purpose of spending quality time as a family. We anticipated being in an environment that was far from industrial activities, neighbors and noise. Such a compressor station creates excessive noise pollution, and the private landowners, Protestants herein, will not allow activities that create this type of pollution on their private land. In addition, the placing of a compressor station on our private land necessitates the "not less than weekly" maintenance by representatives of Western Gas Resources. We will absolutely not tolerate criminal trespass by Western Gas Resources, as the company has been notified that they are not allowed on our property without written notice first had and obtained. "No Trespass" signs have also been placed on our private property for this purpose.

4. We believe the placing of a compressor station will lower our property value. This ranch was purchased with the intent of providing Protestants with sufficient funds for years of retirement upon the resale of the property.

5. It is unreasonable for Protestants to accept the permit wherein Western Gas Resources is the entity responsible for conducting emission limit tests as well as a preventative maintenance programs at the site of the compressor station. It is irresponsible to allow a Permittee to police their own activities in this particular instance.

6. Protestants believe Wyoming law is in violation of due process and flawed in this particular permitting process, whereby the Permittee (Western Gas Resources) was not charged with the duty to notify the private landowner of their intentions, but when this permit is protested, Protestants (private landowners) must notify the Permittee of their intention to protest the permit.

7. The Lessee of the minerals under the above-described real property is CMS Oil and Gas Corporation. We are in constant contact with CMS and are notified of their intentions to develop. During the development stages, we have always been contacted by pipeline companies, power line companies and mineral owners regarding any development PRIOR to commencement of any plans or construction. CMS involves the landowners herein in the application of a variety of required permits by the State of Wyoming, such as water discharge permits, etc.

8. Western Gas Resources does not have the right to construct a compressor station on our real property for the purpose of extracting minerals from below the surface of our real property or from below the surface of neighbors of Protestants. Protestants do not believe that the same mineral rights apply in the placing of a compressor station on any surface. Protestants argue that they are not required to provide a structure for the intent of transporting natural gas from other properties, the surface of which is not owned by Protestants.

Protestants herein would respectfully ask the Council to consider this protest and rescind the Mizer Draw Compressor Station Permit No. CT-2657. Protestants reiterate that Western Gas Resources have not proceeded through the permitting process in a good-faith manner respecting private property rights. Under Wyoming law, Protestants herein believe that their private property rights have been violated in the most extreme fashion.

The Protestants herein respectfully request a hearing before the Council at the earliest date and time available. Thank you for your time and consideration.

Very truly yours,



Peter J. Dube



Carey L. Dube

PD:es

copy to: Western Gas Resources, Certified Mail, Return Receipt Requested
Timothy J. Kirven, Esq.