

John and Kathleen McKinley

John and Kathleen McKinley our property owners within one-half mile of the proposed small mining permit area ("proposed permit area") and are identified as no. 20 in the Appendix B materials. Generally, the existing Bondurant Pit, which has operated as a LMO for about 40 years, has had limited impact to this pristine area which is adjacent to a Class 1 trout fishery.

The following comments are objections to the Application and Appendixes as submitted. With the current use and demand for "pit run" gravel and "crushed" gravel in this area of Sublette County there is no need to grant an expansion from the current LMO to the Small Mining Permit. The short window of use from late summer to late October/early November (August-November 1 -- 90 days) is more ideally suited for a continuation of the LMO renewed on a five year basis and requiring the pit to be reclaimed as mining progresses.

Of greatest concern is the applicant's express statement on page I.F.1 of its intended potential siting and use of both a: 1) asphalt batch plant and 2) concrete batch plant by use of its mobile plants (collectively "batch plants"). These batch plants should be specifically excluded from any approved permit. Those uses should be addressed on a case by case basis at the Sublette County Commission level by either a limited variance (limited in both scope and time) or a conditional use permit. Because of this issue, it appears that the statement in no.8 on page I.F.2 is incorrect.

The letter dated August 22, 2023 from the Sublette County Planner fails to even address the expanded scope of the proposed permit. See page I.F.20. In addition any official action regarding this permit at the County level must be through its governing body, the Sublette County Commissioners. That level of official action is not included in this application. The "Planner's" letter addresses compliance of the LMO as of August 22, 2023, but fails to address the batch plants or the various issues with an expansion to a small mining permit.

The application fails to adequately address the groundwater issues and connectivity to Dell Creek, Jack Creek and the Hoback River Class 1 fisheries. These are crucial headwater spawning areas for Snake River Cutthroat and adequate protections should be required by the permit to insure they are not damaged in any manner. The application lacks and should have provided the Game and Fish Department's expertise regarding this issue and potential damage by runoff, discharge or hazardous material spills. The expertise of the Game and Fish Department should have been sought to minimize any potential future degradation to these Class 1 fisheries. The mine dewatering recognized by the application is not adequately addressed. The mine dewatering should not be allowed in any manner to contaminate or be discharged into Dell Creek, Jack Creek or the Hoback River systems. It does not appear that adequate measures are included in the plan to ensure this type of damage does not occur.

Based upon the above issues and concerns, it is requested that this permit application be deemed incomplete and additional information be required to be submitted for analysis by Wyoming DEQ. In addition, any permit granted should exclude and prohibit the siting of any batch plants within the permit area.

Submitted on September 6, 2024 by John and Kathleen McKinley