

daniel smitherman

See attached letter

September 6, 2024

Dan and Sharon Smitherman  
45 Bondurant Cemetery Road  
POB 349  
Bondurant, WY 82922

Wyoming Department of Environmental Quality (DEQ)  
Land Quality Division  
00 W 17<sup>th</sup> St., Suite 10  
Cheyenne, WY 82002

Re: Comments on Evans Construction, Jackson WY proposal for a Small Mining Permit  
in Bondurant WY

Administrator,

We live in Bondurant Wyoming at the terminus of the Dell Creek Loop. We are full-time residents and have resided in Bondurant for almost twenty years. Our cabin is in a direct line of sight to the proposed mine location. There have been limited operations at his site for years in this location on about ten acres. This limited operation presented no issues for the community. However, the new proposal is a significant increase in both land usage, operational use and potential impacts on the local community. Please accept these comments on our behalf.

## **I. Permitting**

There is confusion over the permitting and application of the Sublette County Planning and Zoning Rules. Evans has attached a letter from Sublette Planning and Zoning (P&Z) dated August 2023 stating that Evans does not require a County Conditional Use Permit, and that the proposal is not in conflict with existing county P&Z regulations. However, the proposal appears to be in direct conflict with Section 38 of the P&Z regulations which addresses Gravel Pits. Additionally, it is our understanding that Limited Mining Operations (LMOs) are limited to 15 acres. Evans currently has an LMO permit for ten acres and the application is requesting to add another 23 acres?

## **II. Operating Hours**

The application states that operations will commence at 6 am and continue until 7pm five days a week. Considering that the operation is located in a residential area this seems excessive and 6 am is very early to commence a commercial operation. Additionally, the end of the county road and the parking lot for the Elk Horn convenience store is used as a school bus rendezvous area for children catching the school bus for Pinedale.

### **III. Traffic**

There appears to be no traffic study or analysis. How many trucks per hour are expected? What is the nature of the vehicles being used, etc.?

### **IV. Dust Abatement**

The dust abatement plan is inadequate, consisting of assumed separation of the operation and the use of tanked in water. Since the applicant doesn't propose any on-site water source it is doubtful that tanked in water will be sufficient. Separation from dwellings and placing the equipment in the pit is not adequate. Additionally, the use of tankers sufficient to mitigate dust will add significantly to the traffic load plus there appears to be NO abatement off site on the county road.

### **V. Lighting**

The proposal states that no nighttime lighting "is anticipated. This is subjective. There should be no permitted lighting after dark.

### **VI. Water**

The applicant reports springs that flow into the area to be seasonal. These two streams DO flow year-round. Two streams traverse the property. One of the springs originating from the Mack property (T38N, R113W, SEC 20, NESE) is not irrigation runoff, as indicated in the application. These streams flow into the wetlands and ultimately into the Hoback River. The application shows the stream running around the mining site while it bisects the excavation site, as depicted on the County's GIS wetlands layer.

### **VII. Asphalt and Concrete Batch Plants**

The public notice from both DEQ and Evans only mentions mining for sand and gravel. However, the application states that "Evans Construction may from time to time locate concrete and asphalt batching plants at the site". This information should have been disclosed to the public initially.

### **VIII. Noise**

There is no noise abatement plan, no noise limits and no noise monitoring. County Regulations, Section 14. Noise. *No use shall be operated so that noise resulting from said use is perceptible beyond the boundaries of the property on which said use is located. Intermittent noise from vehicles, ranching and farming operations, chainsaws and similar equipment in private use, temporary construction operations, and uses in the C-1, CH-1, I-L, and I-H districts shall be exempt from this section.*

**IX. Wyoming Game and Fish Comments**

Game & Fish made specific recommendations for site activities to be avoided from March 31 through July 31 and November 15 through April 30. These dates must be included as non-activity restrictions in the permit.

**x. Conclusion**

In conclusion, in its current form, we are very much opposed to this plan. Areas of concern need to be addressed. This is a full-scale commercial operation located in a residential area. Effects with the most potential to impact neighbors are essentially brushed over with inadequate explanations and content. It should be noted that access to the application information was extremely limited and almost impossible to obtain both from the DEQ and the County Clerks office. DEQ should hold a public meeting in Bondurant and extend the comment period to get a better understanding of the impact of this proposal.

Sincerely,

Dan Smitherman

Sharon Smitherman

Sent via email on September 6, 2024 to: <http://lq.wyomingdeq.commentinput.com/>

