

Daniel Shefter

See attached

September 6, 2024

*This Objection Letter is being submitted online via the Land Quality Division's electronic comment portal at <http://lq.wyomingdeq.commentinput.com/>*

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Administrator of Land Quality Division  
Department of Environmental Quality  
200 W. 17<sup>th</sup> Street, Suite 10  
Cheyenne, WY 82002

**Re: Additional Information Objecting to Proposed Small Mining Permit in Bondurant WY**

## Background

This letter supplements the objection letter we previously submitted on September 4, 2024 (the "Original Letter") to reflect additional information that wasn't contained in the Original Letter. As noted in the Original Letter, we are homeowners and full-time residents of Bondurant, residing at 120 Dell Creek Rd (sometimes referred to as "our property").

## Additional Information and Objections

As noted in the Original Letter, we believe that granting the small mining permit to Evans Construction would present an ecological disaster for the surrounding environment as well as areas downstream including the Hoback River and Snake River. The application uses false and misleading information to paper over these concerns.

### *Campbell Cattle Company Use of Spring Creek*

We have recently had discussions with owners of the Campbell Cattle Company which uses the pastures on our property as well as pastures immediately adjacent to the Proposed Mining Property. They have confirmed that the spring creek that runs directly through the Proposed Mining Property runs throughout the year rather than being seasonal as suggested by the mining application. In addition, this creek is a critical source of water for their pastures, and their operations extend through the summer and into the fall. The spring creek flows directly into Dell Creek. Thus, the assertion in the mining application that the spring creek will not create environmental damage to the pastures and Dell Creek is patently false.

### *Impact on Wetlands*

The Proposed Mining Property is located in the middle of a critical wetlands habitat. This is clearly identified and mapped by the National Wetlands Inventory maintained by the Fish and Wildlife Service. The mining operation would be directly adjacent to the confluence of the Hoback River, Dell Creek and Jack Creek as well as the spring creek referenced above that flows directly through the current gravel pit. The wetlands adjacent to the Proposed Mining Property also extends several miles upstream, including wetlands that are part of our property.

The industrial use of the Proposed Mining Property will pollute these important ecosystems, adversely impacting both adjacent neighbors as well as others that use this ecosystem for outdoor activities.

The application for the mining permit mentions these streams, but dismisses any concerns because they argue they are only seasonal which is a patently false statement. Based on this false representation the applicant asserts that "no wetlands specialist was employed to complete a survey, nor was the US Army Corps of Engineers contacted." In addition, a portion of "the proposed permit area is identified as an Aquatic Crucial Habitat Priority Area."

It would be absurd for the mining permit to be granted without the engagement of a wetlands specialist and the Army Corps of Engineers (as nearby residents have done when they've made changes to their properties). In addition, the facts must be consistent with reality when it comes to the water flow and standing water conditions throughout the year.

### *Zoning Violations*

The Sublette County planning and zoning regulations require that all operations that include the extraction of gravel meet various requirements, including minimum setback requirements. In particular, the minimum setback for all operations and activities is 50 feet from boundary coincident with other property owners is 300 feet from all public road right-of-ways and public recreational easements. The proposed mining application would appear to violate both of these minimum setback requirements. In fact, the application states that the proposed operations would be located so close to Dell Creek Rd (a public road) that they will need to move the existing utility poles closer to the road despite the fact they are currently less than 50 feet (let alone 300 feet) from the road. The application doesn't indicate how they plan to comply with planning and zoning regulations. (See attached picture).

Sincerely,  
Daniel Shefter and Lucyna Shefter  
120 Dell Creek Rd.

Picture of section of Dell Creek adjacent to Proposed Mining Property (which is on the left). Applicant has stated it would need to move existing electrical poles much closer to the road since proposed mining operation would include the area where the existing poles are installed. This would violate P&Z regulations which require 300 foot setback from public roads and existing pit likely already violates these regulations.

