

MOBIL OIL CORPORATION

Docket No. WISA-80-2

ROJO CABALLOS MINE AND
ASSOCIATED FACILITIES

INDUSTRIAL SITING PERMIT
FOR ROJO CABALLOS MINE AND
OTHER PERTINENT FACILITIES

00060

Permit No. WISA-80-2

1. The Industrial Siting Council (the Council) having found that:
 - a. The application for permit complies with the requirements of the Wyoming Industrial Development Information and Siting Act, and the Rules and Regulations of the Council, there is reasonable assurance that the activities authorized by this permit can be conducted in compliance with all applicable federal, state and local law; that activities herein authorized will not pose a threat of serious injury to the environment nor to the social and economic conditions of inhabitants or expected inhabitants in the affected areas, and that authorized activities will not substantially impair the health, safety or welfare of the area inhabitants.
 - b. Mobil Oil Corporation (the Applicant) has described the proposed mine and proposed facilities both in construction and in operation, including reclamation plans, and has identified the major features or components incorporated therein for the protection of the health and safety of the public.
 - c. Pollution and environmental control measures and equipment have been identified and described by the Applicant.
2. Pursuant to the Wyoming Industrial Development Information and Siting Act, and Chapter I, Industrial Development Information and Siting Rules and Regulations, and pursuant to the Initial Decision of the Council, the Industrial Siting Council hereby issues an Industrial Siting Permit to the Applicant for construction of the Rojo Caballos Mine and other permanent facilities as described in the application, supplements, and hearing records.

3. This permit shall be deemed to contain and be subject to conditions specified within W.S. 35-12-116 through 35-12-120, and Sections 11 and 12, Industrial Development Rules and Regulations; is subject to all other applicable sections of the Industrial Development Information and Siting Act, Rules and Regulations, and Order of the Council now or hereafter in effect based upon this permit; and is subject to conditions specified or incorporated below:

- a. The facility authorized by this permit shall be constructed and located at the site described in the application, in Campbell County, Wyoming.
- b. This permit authorizes and is conditioned upon the Applicant constructing the entire facility as described in the application, supplements, and hearing records, in accordance with the principal engineering criteria and environmental protection and socioeconomic mitigation commitments set forth therein.
- c. The facility as authorized herein shall be constructed in accordance with the construction schedule as described in the application, supplements and hearing record, except as provided by Section 12.b., Chapter I, Industrial Development Information and Siting Rules and Regulations.
- d. The facility as authorized herein is subject to the following conditions relating to compliance with all applicable local, state, and federal law:
 - (1) The Applicant shall institute the necessary measures to obtain all required permits and approvals, and shall make an annual report to the Office of Industrial Siting Administration. The report shall provide a listing of all permits and approvals obtained during the preceding year, all applications pending, and all permits and approvals for which application will be made in the following year.

- (2) The Applicant shall notify the Office of Industrial Siting Administration immediately whenever it submits an application or receives a permit or approval subsequent to the issuance of this permit which would materially alter the design, construction or operation of the facility. Such notification by the Applicant shall be deemed to constitute a request for amendment of the permit pursuant to W.S. 35-12-106(c) and W.S. 35-12-111(f), if the Council determines that such differences materially change the nature of impact of the proposed facility.
- e. The facility as authorized herein is subject to the following conditions for the continued protection of the environment and social and economic condition, and health, safety and welfare of present and expected inhabitants of the area:
- (1) The Applicant shall take necessary mitigating actions, including those summarized in Sections 5.1.4 and 5.1.6 of the Staff Review, the Initial Decision of the Council, the application and the testimony of the Applicant's witnesses and the hearing record, to avoid unnecessary adverse environmental impact during the construction and/or operation of the facility to the extent that such actions are consistent with, and not in conflict with, federal or other state laws or permit requirements.
 - (2) The Applicant shall maintain sufficient records to furnish evidence of compliance with environmental controls as prescribed.
 - (3) Before engaging in a construction activity for the Rojo Caballos Mine not evaluated by the Council, the Applicant shall prepare and file an evaluation of such activities with the Office of Industrial Siting Administration. When an evaluation indicates that such activity may result

in significant adverse impacts that were not evaluated, or that are significantly greater than those evaluated by the Council, the Applicant shall obtain approval of the Council prior to undertaking the activities.

- (4) If evidence of significant and unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide to the Office of Industrial Siting Administration an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effect or damage.
- (5) In order to assure that points of cultural and historical significance are properly protected, the Applicant shall notify the Wyoming Recreational Commission-State Archaeologist as provided in the mine permit application regarding its plans and proposals for construction and operation of the facility.
- (6) The Applicant shall take the necessary mitigating actions, as identified in the application, the hearing record, and the Initial Decision of the Council, to reduce the socioeconomic impact of the facility upon present and expected inhabitants.
- (7) Reports required to be submitted to the Office of Industrial Siting Administration may correspond to an identical form as might be submitted to other state and/or federal agencies, excepting that all reports submitted to the Office must subscribe to the entire scope of the informational requirements of specific conditions to this permit as set forth herein.
- (8) The Applicant shall authorize entrance to its property and facility by members of the administrative staff of the Industrial Siting Administration without prior notice, for purposes of inspection and monitoring for compliance with terms and conditions of this permit.

- (9) This permit is effective as of the date of issuance and shall remain in force throughout the useful life of the facility.

DATED THIS 18 DAY OF SEPTEMBER, 1980.

THE WYOMING INDUSTRIAL SITING COUNCIL

Edward L. Grant
Chairman

CERTIFICATE OF SERVICE

I, Linda L. Palco, hereby certify that I caused a copy of the attached INITIAL DECISION AND PERMIT NO. WISA-80-2 in the MATTER OF MOBIL OIL CORPORATION PERMIT APPLICATION FOR ROJO CABALLOS MINE AND ASSOCIATED FACILITIES to be served on the following named persons, by depositing a copy of the same in the U.S. mail postage prepaid at Cheyenne, WY, duly addressed as follows, on September 19, 1980.

Mr. W. G. Boettger, Project Task Leader, Rojo Caballos Mine, Mobil Oil Corporation, P. O. Box 5444, Denver, CO 80217

Industrial Siting Council:

Mr. Edward L. Grant, Chairman, 104 E. 30th St., Cheyenne, WY 82001

Mr. Robert L. Wallick, Big Horn, WY 82833

Mr. Paul Anselmi, P. O. Box 1257, Rock Springs, WY 82901

Mr. William H. Vines, 509 Ninth St., Wheatland, WY 82201

Mr. Jack Sullivan, P. O. Box 3531, Casper, WY 82602

Mr. Wm G. Spencer, Drawer X, Douglas, WY 82633

Mr. Larry Clapp, Fagan, Fagan & Clapp, 142 North Center, Casper, WY 82601

The Hon. M. B. Enzi, Mayor of Gillette, P. O. Box 540, Gillette, WY 82716

Ms. Vivian E. Addison, Clerk, Campbell County, Gillette, WY 82716

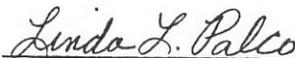
Mr. J. O. Reed, Supt., School District No. 1, Campbell County, Central Service Bldg., 1000 W. 8th, Gillette, WY 82716

Mr. Robert F. Sundin, Director, Dept. of Environmental Quality, Cheyenne, WY 82002

The Hon. Gerald Moll, Mayor of Moorcroft, P. O. Box 96, Moorcroft, WY 82721

Secretary of State, Capitol Building, Cheyenne, WY 82002

Mr. Harry R. Underwood, Campbell County Commissioner, Gillette, WY 82716



Linda L. Palco
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STATE OF WYOMING
BEFORE THE INDUSTRIAL SITING COUNCIL

Edward L. Grant, Chairman
Paul Anselmi, Vice Chairman
Larry R. Clapp, Secretary
William H. Vines, Member
William Spencer, Member
Jack Sullivan, Member
Robert L. Wallick, Member

00059

In the Matter of
MOBIL OIL CORPORATION
(Permit Application for
the Rojo Caballos Mine,
Campbell County, Wyoming

DOCKET NO. WISA 80-2

INITIAL DECISION

APPEARANCES

Mr. Brent R. Kunz, Speight & Kunz, Cheyenne, Wyoming;
and Lynn Walker, Denver, Colorado; on behalf of Applicant,
Mobil Oil Corporation.

Mr. Joe Racine, Gillette, Wyoming, City Planner; on behalf of
the City of Gillette, Wyoming.

Mr. William Flaherty, County Engineer, Campbell County; on
behalf of Campbell County.

Mr. J.O. Reed, Superintendent of Schools, Gillette, Wyoming;
on behalf of Campbell County School District No. 1.

Rick Lewis and Dennis M. Boal, Attorney General's Office,
Cheyenne, Wyoming; on behalf of the Administrative Staff.

T.J. Carroll, III, Attorney General's Office, Cheyenne,
Wyoming; on behalf of the Industrial Siting Council.

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INITIAL DECISION

I.

INTRODUCTION

1. This initial decision concerns an Application from Mobil Oil Corporation (Applicant) filed on March 27, 1980, with the Office of the Industrial Siting Administration (the Office) in accordance with Wyoming Industrial Development Information and Siting Act (W.S. 35-12-101 - 121), for a permit to construct the Rojo Caballos Mine. This facility is located in Campbell County, Wyoming. The Applicant concedes that the facility is properly defined as an industrial facility pursuant to W.S. 35-12-102(a)(iii)(B), and Section 2(k)(2), Chapter 1, Industrial Development Information and Siting Rules and Regulations. The estimated construction cost of the proposed facility is \$150 Million, which exceed statutory criterion, as adjusted per applicable cost index, thereby requiring that an Industrial Siting permit application be filed, and a permit issued by the Council prior to commencement of the construction of the facility.

2. On the 25th of April, 1980 the Office published a "Notice of Mobil Oil Corporation Application for a Permit to Construct the Rojo Caballos Mine". This Notice was served on the local governmental entities which will be primarily affected by the proposed facility, consisting of Campbell County School District No. 1, the Gillette-Campbell County Joint Powers Board, the Gillette-Campbell County Fire Protection Joint Powers Board, the Clerk of Campbell County, the Campbell County Board of Commissioners, and the Mayor of Gillette.

3. On July 16, 1980, the State Engineer issued his Final Opinion in the matter of the water supply analysis for the proposed project. The Final Opinion stated that there will be available sufficient groundwater to meet the proposed needs of the Rojo Caballos Mine provided that the information used to develop the analysis is correct and the projected use of groundwater is not significantly exceeded. Such results were duly advertised for three consecutive weeks on June 12, 19, and 26, 1980 in the New-Record, a newspaper of general circulation

printed and published at Gillette in Campbell County, Wyoming.

4. On July 22, 1980, an informal prehearing conference was held in Cheyenne, Wyoming. At the conference, actions were taken concerning delineation of key issues and identification of witnesses and exhibits. Also the format for the hearing was established.

5. On July 1, 1980, a "Notice of Public Hearing" was issued by the Office for a hearing to convene on July 29, 1980 at the Balboa Room of the Holiday Inn, Gillette, Wyoming. Notice was served on all parties and was published as prescribed by W.S. 35-12-109.

6. An evidentiary hearing was conducted by the Industrial Siting Council pursuant to W.S. 35-12-109, with Mr. William H. Vines presiding and Mr. Paul Anselmi, Mr. William Spencer, Mr. Jack Sullivan and Mr. Robert L. Wallick present.

7. Written comments by the following Wyoming State Agencies are included in the Docket File and were admitted into evidence:

Geological Survey of Wyoming
Wyoming Recreation Commission
Environmental Quality
 Solid Waste Management
 Air Quality Division
Wyoming State Highway Department
Department of Education
Game and Fish Department

8. At the hearing, the Applicant offered and the Council admitted into evidence the exhibits numbered 1 through 34 which were used in the visual presentation to the Council and the Parties.

9. At the hearing, the Office offered and the Council admitted into evidence the Applicant's Industrial Siting Application, including the official Industrial Siting Office File and Docket; the application for the Applicant's Air Quality Permit and the application for the Applicant's Mining Permit and License to Mine from the Land Quality Division of the Department of Environmental Quality; and the "Staff Review".

10. On July 29, 1980, the Council, by 5 - 0 affirmative vote, decided to issue an Industrial Siting Permit to the Applicant for the construction of the Rojo Caballos Mine subject to permit conditions as presented in the evidence and supported by the Applicant, the Staff, and the Parties. The Council reserved the right to modify its decision based on the possible submission of "Limited Appearance Statements" which were to be submitted within five days of the close of the proceeding.

11. A Limited Appearance Statement was filed by the Town of Moorcroft, Crook County, Wyoming. Moorcroft stated that it was not considered in the original socio-economic impact study and that it would appreciate being considered in the impact study for the construction of the Rojo Caballos Mine. Additionally, the Campbell County School District, a Party to the matter was unable to attend the entire hearing. They therefore submitted a letter which stated that if the same changes were made for Mobil's application as had been made on the previous day for Carter Mining Company's application for permission to expand the Rawhide Mine, they would have no objections.

12. On August 15, 1980, the Applicant responded to the Limited Appearance Statement filed by the Town of Moorcroft. The Applicant stated that the effects of the Rojo Caballos Mine on Moorcroft would not be significant and in accordance with the Wyoming Industrial Siting Act, Moorcroft should not be made a part of this siting permit socio-economic impact study area. The Applicant also pledged to monitor the impact of its proposed facilities in Moorcroft and other communities by annually providing residency information on its employees.

13. The Council is required, pursuant to the Notice of Hearing and in accordance with the terms and provisions of W.S. 35-12-109(c)(e) as embodied within Chapter I, Section 6. Industrial Development Information and Siting Rules and Regulations to determine:

a. Whether, in accordance with Section 6.1., the Applicant has demonstrated that the proposed facility will comply with all

applicable local, state, and federal law throughout each phase of planning, construction and operation;

b. Whether, in accordance with Section 6.b., the Applicant has demonstrated the proposed facility will not pose a threat of serious injury to the environment of the socio and economic condition of present or expected inhabitants within the area of site influence;

c. Whether, in accordance with Section 6.c., the Applicant has demonstrated that the proposed facility will not substantially impair the health, safety or welfare of the present or expected inhabitants of the area of site influence.

14. The headings contained in this document do not limit the findings or the conclusions contained thereunder to the subject matter of the heading. The interrelationship of the matters addressed as such that all findings and conclusion are to be considered in their entirety. Each finding is based upon consideration of the entire record, including all testimony and exhibits received during the course of the public hearing and the City of Moorcroft's Limited Appearance Statement and the Applicant's response thereto.

II.

PERMIT CONDITIONS

15. The Industrial Siting Administration initial Staff Review recommended that the Industrial Siting Permit be issued subject to conditions enumerated in the Staff Review. At the hearing, the Staff modified its proposed conditions based upon input of the Parties. The Applicant, the Staff, and the Parties all testified in support of the following conditions. The Council concurs with these modified conditions and orders that they be incorporated within this decision and attached to the Industrial Siting Permit. The conditions are as follows:

a. The Applicant shall institute the necessary measures to obtain all required permits and approvals, and shall make an annual report to the Office of Industrial Siting Administration. The report shall provide a listing of all permits and approvals obtained during the preceding year, all applications pending, and all permits and approvals for which application will be made in the following year.

b. The Applicant shall notify the Office of Industrial Siting Administration whenever it submits an application or receives a permit or approval subsequent to the effective date of the Industrial Siting Permit which will materially alter the design, construction or operation of the project. Such notification by the Applicant shall be deemed to constitute a request for amendment of the Industrial Siting Permit pursuant to W.S. 35-12-106(c) and W.S. 35-12-111(f), if the Council determines that such activity may result in significant adverse impact that were not evaluated and significantly greater than those evaluated by the Council.

c. The Applicant shall take necessary mitigating actions, including those summarized in Section 5.1.4 and 5.1.6 of the Staff Review, as modified herein to avoid unnecessary adverse environmental impact during the construction and/or operation of the facility to the extent that such actions are consistent with, and not in conflict with, federal or other state laws or permit requirements.

d. The Applicant shall maintain sufficient records to furnish evidence in compliance with environmental controls as prescribed.

e. Before engaging in a construction activity for the Rojo Caballos Mine not evaluated by the Council, the Applicant shall prepare and file an evaluation of such activities with the Office of the Industrial Siting Administration. When an evaluation indicates that such activity may result in significant adverse impacts that were not evaluated, or that are significantly greater than those evaluated by the Council, the Applicant shall obtain approval of the Council prior to undertaking the activities.

f. If evidence of significant and unexpected harmful effects or evidence of irreversible damage are detected during facility construction, the Applicant shall provide to the Office of Industrial Siting Administration an acceptable analysis of the problem and a plan of action to eliminate or significantly reduce the harmful effect or damage.

g. In order to assure that points of cultural and historical significance are properly protected, the Applicant shall notify the Wyoming Recreational Commission-State Archaeologist as provided in the Mine Permit application regarding its plan and proposals for construction and operation of the facility.

h. The Applicant has defined its impact and met with local governments of Campbell County prior to the submission of the application. The Applicant and the local governmental entities of Campbell County have negotiated and mutually agreed to a plan of mitigation. This plan includes the following measures as included in Applicant's Section 6.5:

1. Construction worker housing assistance.
2. Permanent worker housing assistance.
3. City of Gillette assistance - \$1.9 million City LID bond purchase.
4. Community assistance.

To date, voluntary cooperative efforts, by both perspective projects and those developers that do not come within the jurisdiction of the Industrial Siting Council, have been successful in dealing with growth-related impact problems.

In the event that socio-economic impact occurs during the life of the mine (I) that impact the current level of facilities and services provided by local government, (II) that cannot be alleviated by financing through ordinary sources of revenue, (III) that were not predicted in the application, (IV) voluntary measures by industrial representatives in the community do not resolve the problem, the matter may be referred to the Siting Council for resolution. The Council may require additional mitigative action by the Applicant in cooperation with other basic industries (existing and future), provided that: (I) a local entity of government request assistance, (II) such adverse impacts occur as a result of the action proposed by the Applicant. Applicant shall be required to assist in mitigating the impacts which results from construction or operation of its proposed Rojo Caballos Mine, including direct or indirect employment. In determining the assistance, the Applicant may be required to provide, consideration and credit shall be given to the Applicant's previous mitigation efforts, both those which have been voluntarily undertaken by the Applicant and those required by a regulatory authority.

i. A monitoring program administered under the auspices of the Chamber of Commerce Industry Committee as described in Section 7.2 should be established in cooperation with local governments.

The Industry Committee of Campbell County Chamber of Commerce should be requested to collect and analyze on a reoccurring basis the necessary socio-economic data from all existing and propective industrial development which will contribute to the population and economic growth in Campbell County. The specific parameters to be included in the monitoring program should be jointly agreed to by the City of Gillette, the Campbell County Commissioners, the Campbell County School District No. 1, the Industrial Siting Administration and members of the Industry Committee. As part of the monitoring program, a comprehensive analysis should be made annually of the local community's present and anticipated future socio-economic conditions. Copies of this analysis should be submitted to participating companies, local governments, Industrial Siting Administration and, upon request, to other interested parties. Financial support for the monitoring program should be shared in proportion (as measured on the basis of direct impact of the community) by the Rojo Caballos Mine, all other prospective developments, and by other industrial developments which, while they presently do not fall in the jurisdiction of the Industrial Siting Act, voluntarily join the program.

j. In the event, the monitoring program as required by this permit demonstrates that the area of socio-economic influence extends beyond the boundaries of Campbell County and that communities outside Campbell County are impacted indirectly or directly by the Applicant's proposed facility, then the affected community under the terms of this permit, shall request from the Industry Committee of the Campbell County Chamber

of Commerce that voluntary mitigation measures be enacted to alleviate the impact problem. Should voluntary measures be inadequate, the Industrial Siting Council at the request of the Community, may require additional mitigation action be taken by the Applicant to correct the problem.

k. The reports required by permit conditions 15(a) and 15(h)4 shall be submitted to the Industrial Siting Administration on the first day of April of each year of the construction and operation of the proposed facility pursuant to W.S. 35-12-120.

l. To ensure adequate housing for the construction work force, Rojo Caballos Mine has proposed to prelease what appears to be an adequate number of mobile home spaces to accomodate its construction employees. However, if the number of pre-leased spaces is not adequate, and the private sector is unable to meet need, the Applicant shall provide sufficient dwelling units or living spaces on a timely manner for its construction employees.

III.

FINDINGS OF FACT RELATED TO
COMPLIANCE WITH APPLICABLE LAW

16. The record and application identified permit and approvals which are required for the construction of Rojo Caballos Mine. The Council hereby finds and determines that the following permits and approvals have been granted:

a. Environmental Protection Agency--Prevention of significant deterioration air permit (Approved September, 1979).

b. Department of Environmental Quality--New Source Construction Air Permit (Approved March, 1979).

17. The following permits or approvals are required prior to the commencement or construction of the Rojo Caballos Mine. Applications have been made to appropriate agencies for these permits or approvals:

a. Federal Environmental Impact Statements (anticipated approval date January, 1981).

b. Mining Permit and License to Mine, Land Quality Division, Wyoming Department of Environmental Quality (anticipated approval date September, 1980).

18. The Council finds that various other permits may be required. As referenced Supra, in the permit conditions, the Applicant has agreed to institute the necessary measures to obtain all required permits and approvals, and shall make an annual report to the Office of Industrial Siting Administration listing all permits and approvals obtained during the preceding year, all applications pending and all permits and approvals for which application will be made in the following.

19. The Applicant has obtained, made application for, or intends to apply for necessary permits and approvals for construction of the facility and is accordingly in compliance with all applicable law.

IV.

FINDINGS OF FACT RELATED TO
THE THREAT OF SERIOUS ENVIRONMENTAL INJURY

20. The proposed facility designed to be environmentally acceptable by incorporating the following features:

- a. Enclosed coal conveyors, baghouse dust control facilities on the coal dumping crushers, and all other transfer points and assistance;
- b. Covered slot storage or alternative storage facility;
- c. Developed and proven control on normal emission points;
- d. Design features to meet all state and federal standards;
- e. Extensive reclamation procedures including background of soil, vegetation, productivity, fauna, water;
- f. Extensive monitoring network for air, surface water, groundwater;
- g. Diversion systems for runoff water and sedimentation pond;
- h. Recreation of drainages in reclaimed areas.

21. The Council finds that on the basis of the record before it, and considering the provisions of the permit conditions relating to environmental control measures, which are supported by the Applicant and the Industrial Siting Staff, the Applicant has demonstrated by preponderance of the evidence that the proposed facility will not pose a threat of serious injury to the environment. The Applicant shall be required to take the necessary mitigating action, including those summarized in the permit condition and in Sections 5.1.4 and 5.1.6 of the Staff Review to avoid unnecessary adverse environmental impacts during construction and/or operation of the facility. However, as supported by the testimony of both the Applicant and the Industrial Siting Staff, item 2, page 5-6 A of the STAFF REVIEW shall be modified as follows:

The majority of final vegetative cover should not include those species which were not originally present in the plant association as described in the Staff Review Section 2.2.2.

V.

FINDINGS OF FACT RELATED TO
SOCIO-ECONOMIC CONDITIONS

22. The methods of projection and analysis for the socio-economic impact assessment used by the Applicant and the Staff are consistent, and the respective findings and conclusions are similar.

23. The Applicant and the Staff have defined the area of socio-economic influence as those geographic locations in which the significant portion of the construction and production employees will live. Both the Applicant and the Staff concluded that the impact of the Rojo Caballos Mine on areas other than Gillette and Campbell County would be minor. This conclusion was based upon an analysis of actual residency data for the current Rojo Caballos Mine workforce, community patterns experienced by other nearby mines, the distance from Rojo Caballos to communities outside Campbell County, the existing transportation network and the present availability of housing capabilities of the housing infrastructure in the Gillette area. Accordingly, the Parties and the Staff agree that the areas or local governments primarily affected by the proposed project include the City of Gillette, Campbell County, and Campbell County School District No. 1.

24. The Council finds that the Town of Moorcroft, Wyoming submitted for the Council's consideration a Limited Appearance Statement on August 1, 1980. The Moorcroft statement requests that the Moorcroft area be included in the socio-economic impact study for the construction and operation of the Rojo Caballos Mine. The Town of Moorcroft claims that approximately 20% of its population is directly dependent upon the mines for their livelihood. The Town further notes that 40-42 of this figure are employed with the Amax Belle Ayre Mine, and approximately 10 of the above figure are employed by the Rawhide Mine. In addition, there are people that reside in Pine Haven, Key Hole and in the Crook County area that are employed by

the mines and all of which impact the community of Moorcroft. The statement further explains that there are approximately 100-250 residents employed by associated enterprises such as the railroad and electric generating plant which again impact the community of Moorcroft.

On August 19, 1980, the Applicant submitted for the Council's consideration a response to the Limited Appearance Statement of Moorcroft. The Mobil statement points out that although Interstate 90 has now been completed between the City of Gillette and Moorcroft, commuter traffic from Moorcroft to the proposed Rojo Caballos Mine will involve a roundtrip distance of approximately 96 miles. The statement alleges that the likelihood of such a one and one-half to two hours per day commute between Moorcroft and Rojo Caballos Mine by potential employees would be reduced by rising transportation, and the nature of the Applicant's socio-economic mitigation program. The Applicant notes that part of its proposal involves an employee bus service between Gillette and the Rojo Caballos Mine which will tend to induce the Applicant's workforce to reside in or near Gillette. Additionally, the Applicant has provided significant mitigation measures to assure availability of housing opportunities within Gillette and the immediate surrounding areas in Campbell County.

The Council finds that the area of socio-economic impact may not be limited to the area of Campbell County. It is necessary that the Applicant monitor the residency pattern of its employees to determine if more extensive monitoring program or mitigation action are necessary for communities outside of Campbell County.

25. The studies of public facilities and services within the area of socio-economic influence indicate that the net effect on the governmental entities are generally positive. In the event that additional assistance may be needed should voluntary efforts be inadequate and if requested by a local governmental entity, formal procedures have been established in the permit conditions.

26. The Campbell County Housing Developers should be able to meet the housing demands associated with the project. Nevertheless, the Applicant shall monitor present conditions and future needs and shall comply with the permit conditions on housing.

27. The evidence presented by the Parties and the Staff indicates that if permit conditions are imposed there would not be a threat of serious injury to the socio-economic conditions of inhabitants or expected inhabitants within the affected area. The Council concurs.

28. Per terms of the permit conditions, the Applicant agrees to take the necessary mitigating actions as identified to reduce the socio-economic impact of the facility upon present and expected inhabitants.

VI.

FINDINGS OF FACTS RELATED TO
HEALTH, SAFETY AND WELFARE

29. Major faults are not known to offset rocks on the Eastern Powder River Basin of Wyoming, but faults with only small displacement are present in Northern Campbell County. No major faults have been recognized in the Westward Dipping Coal beds of Mobil's lease. It is believed that there are not geological structures which would significantly hamper the mining activities.

The region is aseismic (no tendency for earthquake) except for a small area in the Southwest corner. Only two earthquakes are recorded in that area of "lesser seismicity" in the vicinity of Casper, Wyoming: one in 1894 and one in 1897. No seismic activity is known to have ever affected that site of the proposed Rojo Caballos Mine and there are no indications of impending seismic activities in the site area.

30. To provide on-site safety, measures will be adopted that will include appropriate fencing, control parking and posted access roads.

31. The Federal Mine Safety and Health Administration Regulations protecting the safety of the facilities employees will govern the operations.

32. The facility's compliance with all emission standards, ambient air quality standards and waste water discharge standards will preclude impairment of the health of the area inhabitants.

33. The base line quality of on-site groundwater has been established and a groundwater monitoring system is proposed to determine whether groundwater quality is contaminated or affected by the mining activities.

34. The Council finds that the proposed facility design and operation, conducted within the constraint imposed pursuant to the permit conditions embodied within this order will guarantee that the facility will not substantially impair the health, safety or welfare or area inhabitants.

VII.

CONCLUDING FINDINGS OF FACT

35. Construction and operation of the facility and attended facilities will not adversely affect archeological, historical, paleontological or scenic resources in the area of site influence.

36. There are no endangered species known to reside on the permit area. Due to a lack of critical habitat, species which may occur in the region are transient in nature.

37. The health, safety or welfare of present or expected inhabitants of the area will not be substantially impaired relative to occurring conditions.

38. No known environmental factor would prohibit the construction and operation of the mine and oppurtenant components of the proposed sites.

39. Construction and operation of the proposed facility will have minimal adverse impact on regional climatic pattern on meteorology.

VIII.

CONCLUSIONS OF LAW

The Council concludes that:

40. In accordance with Section 6.a., Industrial Siting Rules and Regulations:

a. The Applicant has demonstrated that the facility will comply with all applicable local, state and federal laws through each phase of planning, construction and operation through the timely obtainment of the permits and approvals listed previously. Determination herein does not preclude consideration of additional permits and approvals which have not been considered either in the application or in the record;

b. The numerous additional permits and approvals required are specifically intended for protection of the environment, and the health, safety and welfare of present and future inhabitants of the area.

41. In accordance with Section 6.b., rules and regulations:

a. The facility does not pose a threat of serious injury to the environment or social and socio and economic conditions:

(1) The record reflects that the Rojo Caballos Mine will exert minimal effects on: Archeological, cultural, paleontological, and historical resources; surface and groundwaters; air quality; regional climatic patterns and meteorological conditions; ambient noise; and occupational exposure.

(2) Construction and operation of the facility will not violate any presently existing zoning requirements or land use plan.

(3) The record reflects that the Applicant's studies, monitoring programs and plan potential mitigation plan will minimize the effects of the

projects on vegetation, wildlife and soil.

42. In accordance with Section 6.c., Rules and Regulations, the facility will not substantially impair the health, safety and/or welfare of area inhabitants:

a. The Applicant's proposal as contained in the application, hearing and record and in the permit condition are adequate to preclude substantial impairment of the health, safety and welfare of area inhabitants.

b. The likelihood of earthquake damage to the health, safety and welfare of area inhabitants is low.

43. Based on the foregoing findings of fact and conclusions of law, the Council finds that the Applicant has demonstrated:

a. The proposed facility complies with all applicable law;

b. The facility will not pose a threat of serious injury to the environment nor to the socio-economic conditions of inhabitants or expected inhabitants;

c. The facility will not substantially impair the health, safety or welfare of the inhabitants.

