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Aladdin, WY 82710

July 8, 2010

Wyoming Environmental Quality Council  
122 West 25<sup>th</sup> Street  
Herchler Building, Room 1714  
Cheyenne, WY 82002

**FILED**  
JUL 08 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

Re: Docket No. 09-1103

Dear Members of the Environmental Quality Council

My name is Hugh Thompson and my family and I are fifth generation ranchers and grazing permittees in the Sand Creek area and the sixth generation is on the ground. My grandfather homesteaded in what is now Thompson Gulch in the Black Hills National Forest before it was designated a national forest. I am a graduate forester and range scientist and retired from the Forest Service as a Forest Supervisor and from the Utah Department of Natural Resources as Deputy Director before I came back to the home ranching operation.

First, this petition, in it's fourth iteration, is untimely by at least 32 years. Wyoming Statute 35-11-112(a)(v) states "Designate at the earliest date and to the extent possible, those areas of the state which are very rare or uncommon..." At that time, 1977, there were no federal land management plans in existence. Thus there may have been a need for this statute at that time. Since that time every federal land management agency in the state now has approved land management plans, including the Black Hills National Forest, which has one of the best. The so-called "protection" offered by this petition is simply not needed.

As grazing permittees, my family and I have a vested property right on our grazing allotments that are within the proposed petition area. While this statute purports to affect only non-coal surface mining, it is based in large part on the vegetation that our family livestock operation has been using for over 100 years. Any land designation that is based on this vegetation has the potential to adversely affect the viability of our ranching operation. While the Forest Service, a USDA agency, maintains a grazing permit is a privilege, other USDA agencies acknowledge it as a property right that can be bought, sold or used a collateral to borrow money against. While you have acknowledged the property rights of some, but not all, of the unpatented mining claim owners, you have not recognized or notified affected grazing permittees who also have valid property rights potentially affected by the proposed designation.

So what is Biodiversity Conservation Alliance's (BCA) real objective in advancing this petition for a fourth time? They know this proposed designation will not stop valid mining operations in the area. Your Executive Director Jim Ruby has stated in Attachment #1 "on it's face the statute that requires the Council to designate land as Very Rare or Uncommon does not prohibit mining on designated land. In fact a permit to mine shall not be denied unless the Director finds 'the

proposed mining operation would irreparably harm, destroy or materially impair any area that has been designated by the Council as rare or uncommon and having particular historical, archeological, wildlife surface geological botanical or scenic value.' Thus if there is a way the mining activity can occur without irreparably harming, destroying or materially impairing the area the permit must be issued." This is what the USFS and BLM already require and this designation is not needed.

BCA sees this proposed designation as a stepping stone toward Wilderness designation. Attachments #2 to this letter demonstrate this is their objective after you designated Adobe Town as Very Rare and Uncommon. This point is relevant to this procedural hearing as it gets to the real reason for the proposed designation and it is not just a Very Rare and Uncommon designation.

After our last hearing about a year ago I offered the Friends of Sand Creek a better solution to meet our common goal of protecting the Sand Creek watershed from potential damage. The greatest threat to this watershed is the mountain pine beetle epidemic and catastrophic wildfire. This offer was based on a coalition of agencies and landowners I worked with in Utah to demonstrate the values of enhanced watershed management in providing better stream flow and water quality while protecting the watershed from catastrophic damage from pine beetle epidemics and wildfire. I called a number of folks in this state, including state senator Charles Townsend, state representative Mark Semlek, county commissioner John Moline, permittee Keith Haiar, Brett Moline of Wyoming Farm Bureau, UW extension agent Gene Gade, mining company executive Eric Jensen and Friends of Sand Creek to see if they would be willing to form a coalition to advocate for improved watershed management on the Sand Creek watershed. Each of these folks, with the exception of Friends of Sand Creek said "yes." The Friends of Sand Creek said "no" and that they intended to stop all mining in the watershed. You could also add the Black Hills Flyfishers to the "yes" list as their president has expressed to me real interest in such a coalition. This offer is still open and would be a way for all of us with the common goal of enhancing Sand Creek to work together cooperatively instead of adversarial hearings like we are enduring today.

In summary, I urge you to dismiss this petition with prejudice. This is the fourth time it has taken up our valuable time and resources. While the statute does not prohibit multiple submissions, this is getting way beyond common sense or fairness. This submission is just as flawed as the previous three and I am prepared to submit compelling evidence that BCA's use of scientific data is just as unprofessional and flawed as their procedural presentations. Attachment #3.

There is definitely a better way to meet the objectives of a healthy Sand Creek watershed and I urge you to dismiss this petition as flawed and to also recommend that we proceed to work together in a cooperative effort to improve the health and safety of Sand Creek.

Sincerely,



Hugh C. Thompson