

FILED

OCT 14 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

October 14, 2010

Dear Mr. Green and Mr. Frank:

The Presiding Officer, after consultation with the Wyoming Attorney General, has decided that any person who wishes to participate as a party may do so. Therefore I am attaching hereto the Notice of Prehearing Conference and Order. While you will not lose your party status if you do not participate on Friday, it would be helpful, if you wish to participate as a party in this matter if you could be present via telephone. As a party you will have the opportunity to present evidence, to have an opening statement and to cross examine witnesses as well as any other rights outlined in the Wyoming Administrative Procedures Act and Chapter 2 and 7 of the Rules of Practice and Procedure . You can find Chapter 2 and 7 on our website.

Sincerely,



James Ruby

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

FILED

IN THE MATTER OF)
THE PETITION TO DECLARE)
AN AREA COMMONLY KNOWN AS)
SAND CREEK, VERY RARE OR)
UNCOMMON)

Docket No 09-1103

OCT 14 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF HEARING AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Environmental Quality Council (the Council) will conduct a hearing on October 26, 2010 at 7:30 a.m. in the Multipurpose Building at the Crook County Fairgrounds, Sundance, Wyoming. This hearing will be conducted as a contested case hearing under the Wyoming Administrative Procedure Act. F David Searle, a member of the Council will serve as the Presiding Officer.
2. This hearing is held pursuant to Sections 35-11-101 through 35-11-1803, W.S. 2008, as amended, regulations promulgated there under, and the Department of Environmental Quality Rules of Practice and Procedure.
3. A pre-hearing in this matter will be conducted on October 15, 2010 at 3:30 p.m., at the Herschler Building, 122 W. 25th Street, Room 1713, Cheyenne, Wyoming, or via telephone conference call. The Parties should provide the EQC office with a direct telephone number and an email address where they can be reached for the pre-hearing on or before 9:00 A.M. October 15, 2010.
4. The purpose of the pre-hearing conference is:
 - a. Identification of will call witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - b. Identification of may call witnesses, their addresses, phone numbers, and the substance of their proposed testimony;
 - c. Stipulation to uncontested facts;
 - d. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and
 - e. Hear pending motions.
 - f. Be prepared to discuss the order of presentation of evidence.
 - g. Be prepared to discuss specifics of the tour scheduled for October 26, 2010.

- h. Be prepared to discuss the procedural format of the hearing as it as it will apply to testimony from individuals not called as a witness by either party.

ORDER

IT IS HEREBY ORDERED THAT:

1. The parties should provide the EQC office with a direct telephone number and an email address where they can be reached for the pre-hearing on or before 10:00 A.M. October 15, 2010.
2. All parties shall appear at the pre-hearing on October 15, 2010 at 3:30 P.M.

DATED this 14th day of October, 2010.



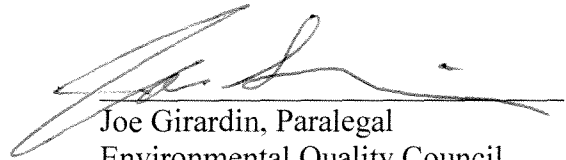
F. David Searle, Presiding Officer
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307)777-7170
Fax: (307)777-6134

CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 14th day of October, 2010, I served a copy of the foregoing **NOTICE OF HEARING AND ORDER** by fax to the following:

Dan Frank
Mineral Hill, LLP
307-632-0159

John Green
512-692-2936



Joe Girardin, Paralegal
Environmental Quality Council
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Phone: 307-777-7170
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