

**FILED**

JUL 01 2010

Jim Ruby, Executive Secretary  
Environmental Quality Council

**From:**  
**To:**  
**Subject:** FW: Sand Creek  
**Date:** Thursday, July 01, 2010 1:44:18 PM

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**From:** Erik Molvar  
**Sent:** Thursday, July 01, 2010 11:33 AM  
**To:** Ruby, Jim  
**Cc:** John Persell  
**Subject:** Re: Sand Creek

Dear Jim,

Under Chapter 7, Section 6(b), the EQC is to give notice to surface and mineral owners within, not adjacent to, the area proposed for Very rare or Uncommon designation:

"Upon receipt of a petition under these rules, the Council shall consider the petition at a regularly scheduled Council meeting and shall notify the petitioner and surface and mineral owners whose lands or minerals are within the area proposed for designation of the time, date, and location of the meeting. The Council's consideration shall be limited to whether the petition should be accepted or dismissed."

To the extent that the EQC is giving notice of the initial hearing to land or mineral owners adjacent to the area for the upcoming hearing, this is a fine thing to do, but it above and beyond what is called for in statute and regulation, and therefore the failure to give such notice is a violation of nothing.

"Golden Predator" was not listed in the County Assessor's office as a claimant at the time that our petition was filed, so I cannot speak to the claims in Appendix B to Ms. Reece's Motion, which also were not listed by name at the County Assessor's office under another owner at the time the petition was filed. Allegations by Ms. Reece regarding Golden Predator are hearsay in any case, as she does not purport to represent this entity and therefore would be unable to speak on their behalf, if applicable.

As Ms. Reece, the sole complainant who brings this motion, is already aware of the hearing that is scheduled to occur on July 8, clearly there is no harm to her that she did not receive notification, even if EQC did in fact have a responsibility to notify adjacent landowners (which it does not at this stage).

We therefore recommend that the EQC ignore the Motion for Continuance and allow Ms. Reece to address the EQC as can any other member of the public at the July 8 hearing.

Sincerely yours,

Erik Molvar