

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

**FILED**

OCT 20 2010

*Jim Ruby, Executive Secretary  
Environmental Quality Council*

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

Docket No. 09-1103

**MOTION FOR LEAVE FROM REQUIREMENT  
THAT EXPERT WITNESSES' VITAE, RESUMES, AND  
TESTIMONY/OPINION SUMMARIES BE PROVIDED  
BY 12:00 NOON ON FRIDAY, OCTOBER 22, 2010**

COMES NOW Petitioner Biodiversity Conservation Alliance and moves this Council for leave from the requirement that it provide expert witnesses' vitae, résumés, and summaries of their testimony and opinions by 12:00 noon on October 22, 2010. In support of this Motion, Petitioner states as follows:

1. Petitioner has been diligent in confirming expert witnesses' availability and attendance for the October 27 and 28 hearings and can disclose the list of its witnesses as well its exhibits by 12:00 noon on Friday, October 22, 2010.
2. However, additionally coordinating the collection of all expert witnesses' vitae or résumés as well as summaries of their testimony and opinions is a time-consuming process that will require more than 48 hours notice, as given by the Council's Order dated October 20, 2010.

3. Furthermore, service of these vitae or résumés and summaries upon all other known parties as well as the Council will require significant time beyond the 48 hours notice provided.

4. By providing a list of expert witnesses' names, titles, and places of employment if relevant by 12:00 noon on Friday, October 22, the Council and other known parties will know the primary focus of these witnesses' expected testimony and opinions and relevance to the matter at hand. In addition, a full transcript of the hearings will be taken to document the witnesses' testimony and opinions for later review.

WHEREFORE Petitioner Biodiversity Conservation Alliance prays the Council grants this Motion for leave from the requirement that it provide all expert witnesses' vitae, résumés, and summaries of their testimony and opinions by 12:00 noon on Friday, October 22, 2010. Instead, Petitioner asks the Council to allow it to provide expert witnesses' vitae or résumés upon calling them as witnesses at the hearings on October 27 and 28, and to refer to the transcripts of the hearings should it need to review the substance of the witnesses' testimony and opinions.

Requested this 20th day of October, 2010.



Erik Molvar, Executive Director  
Biodiversity Conservation Alliance, Petitioner  
P.O. Box 1512  
Laramie, WY 82073

## CERTIFICATE OF SERVICE

I, Erik Molvar, Executive Director of Petitioner Biodiversity Conservation Alliance, certify that at Laramie, Wyoming, on the 20th day of October, 2010, I served a copy of the foregoing motion by email and/or U.S. First Class mail to the following:

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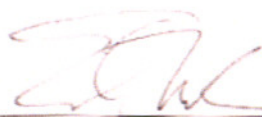
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