

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

A PETITION TO THE ENVIRONMENTAL
QUALITY COUNCIL TO DESIGNATE
SAND CREEK AS A VERY RARE
OR UNCOMMON AREA

FILED
SEP 29 2010
Jim Ruby, Executive Secretary
Environmental Quality Council
Docket No. 09-1108

MOTION FOR A CONTINUANCE

We, Crook County Commissioner John A. Moline, Crook County Commissioner James W. Hadley, Crook County Commissioner Kelly B. Dennis, District 1 State Representative Mark Semlek, District 1 State Senator Charles Townsend, Neiman Enterprises, Wyoming Farm Bureau, Black Hills Regional Multiple Use Coalition, resident of Crook County and Forest Service permittee Keith Haiar, and rancher and Forest Service permittee Aaron Thompson, move for a continuance upon the following grounds and reasons.

1. We are developing a comprehensive science-based rebuttal of all points made in the petition. This requires a significant amount of time and resources. The current hearing date does not allow for a comprehensive case to be built. As per the process, the first hearing involved a determination on the completeness of the petition. For this task, which was relatively limited, eleven months were allowed after the petition was filed. Now, only two months is scheduled for the more comprehensive task of refutation of the petition. This is not an even distribution of time. As a matter of equity and due process, more than eight weeks is required to address all of the points raised in the petition. In fact, we have yet to receive and review several documents referenced in the petition. It should be noted that the Biodiversity Conservation Alliance needed over three years and four submittals until a petition was complete enough to be accepted. A fair and balanced presentation before the Environmental Quality Council necessitates additional time to develop our case.
2. A significant portion of the petition uses information from the Wyoming Game and Fish Department (WGFD). It is our belief that several key points are

misrepresentations of WGFD policy and were taken out of context. Due to the fall hunting seasons and especially the start of elk rifle season on October 15th, it will be difficult if not impossible for the local Game and Fish personnel, who are the most knowledgeable on the conditions of the site, to provide input and attend the hearing. In order for the Environmental Quality Council to hear the complete input from the WGFD, this meeting should be delayed.

3. Weather conditions in late October in northeast Wyoming are unpredictable and sometimes adverse. At that time, the proposed area can be covered in several inches to feet of snow. This would negatively affect travel and access throughout the Blacks Hills and the site in particular. Travel difficulties will likely limit the time and access we have available to visit locations in the Black Hills supporting our case. In addition, most of the listed plants will be dormant. The area is a desirable elk hunting area and the season will be in full swing. For these reasons, we request that the site review be held during a more favorable date.
4. Finally, granting a continuance will not prejudice the Biodiversity Conservation Alliance but would result in an even playing field for all parties.

THEREFORE, we request the scheduled Oct 26-28, 2010 meeting be continued to provide a reasonable amount of time for all parties to prepare and participate and to avoid unnecessary limitations due to the weather.

Respectfully Submitted,


Crook County Commissioner John A. Moline


Crook County Commissioner James W. Hadley



Crook County Commissioner Kelly B. Dennis



District 1 State Representative Mark Semlek

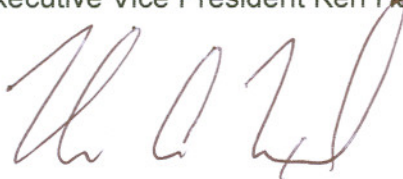


District 1 State Senator Charles Townsend


Neiman Enterprises



Wyoming Farm Bureau Executive Vice President Ken Hamilton



Black Hills Regional Multiple Use Coalition Executive Secretary Tom Troxel



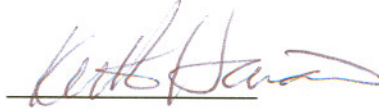
Keith Haiar



Aaron Thompson

CERTIFICATE OF SERVICE

I certify that on this 28th day of September, 2010, I mailed by first class mail a true and correct copy of the above and foregoing to: Biodiversity Conservation Alliance, P.O. Box 1512, Laramie, WY 82013.

A handwritten signature in blue ink, appearing to read "Keith Haiar", written over a horizontal line.

Keith Haiar