

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

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

Docket No 09-1103

FILED
OCT 12 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. Failure to appear at the pre-hearing conference may result in dismissal from this case.
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. Each party shall prepare and file a Pre-Hearing Memorandum that clarifies the legal issues, both substantive and procedural, of all the parties, including identification of the statutory provisions and regulations that form the basis of the appeal;
 - d. Stipulation to uncontested facts;
 - e. Examination and marking of proposed exhibits and entering into stipulations to the foundation and admissibility of the exhibits and testimony; and

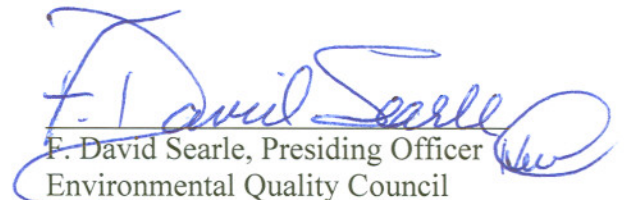
- f. Hear pending motions.
- g. Be prepared to discuss the order of presentation of evidence.
- h. Be prepared to discuss specifics of the tour scheduled for October 26, 2010.
- i. Be prepared to discuss the procedural format of the hearing as it will apply to testimony from individuals not called as a witness by either party.

ORDER

IT IS HEREBY ORDERED THAT:

1. All parties shall file and deliver pre-hearing conference memoranda and final witness and exhibit lists by 4:00 p.m. on October 14, 2010.
2. 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.
3. All parties shall appear at the pre-hearing on October 15, 2010 at 3:30 P.M. Failure to appear at the pre-hearing will result in dismissal from the case.

DATED this 12th day of October, 2010.



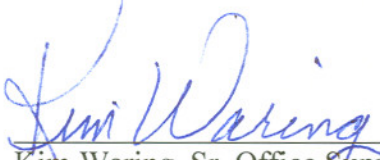
F. David Searle, Presiding Officer
Environmental Quality Council
Herschler Building, Room 1714
122 West 25th Street
Cheyenne, WY 82002
Tel: (307)777-7170
Fax: (307)777-6134

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 12th day of October, 2010, I served a copy of the foregoing NOTICE OF HEARING AND ORDER by electronic mail to the following:

Erik Molvar
Biodiversity Conservation Alliance
erik@voiceforthewild.org

David Johnson
Bronco Creek Exploration
djohnson@broncocreek.com



Kim Waring, Sr. Office Supp. Spec.
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