

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

FILED

JUN 30 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

ORDER

On June 24, 2010 the Council received a Motion to Continue from Bridgette Reece for failure to give notice of the meeting. The motion indicates she is a surface and mineral interest owner in the Sand Creek area. The motion fails to give a legal description of the land she owns or a direct claim that the land she owns is in the area to be designated. A review of the Petition reveals that the only land to be designated is land owned by the Federal government and all privately held land is specifically excluded. Therefore, Ms. Reece is not entitled to personal notice of the meeting to be held July 8, 2010 but can attend the meeting and provide testimony as to whether her land is in the area to be designated. In the event the Council accepts the Petition, Ms. Reece will be entitled to personal notice if she is a surface or mineral interest owner contiguous to the land to be designated.

Ms. Reece further alleges that other contiguous surface and mineral interest owners were not given personal notice. The statutes and rules governing the procedure of the Council does not require that these entities receive personal notice of this meeting. If the Council accepts the petition these entities will receive personal notice of the hearing to be held at a later date.

Ms. Reece did not serve the Motion to Continue on the Petitioner. The Council recognizes that this is not a contested case proceeding and thus the requirement of service on the Petitioner is not required.

WHEREFORE, the Motion to Continue is DENIED. The individuals listed are not statutorily or by rule required to be given actual notice. The inconvenience to the Council, the Petitioner and others who have been given notice of this meeting over rides the concerns of the movant. If the movant wishes the Council to consider information she may have there is still sufficient time for her to deliver such information to the Council for its consideration.

DATED this 30th day of Jan, 2010.


David Searle, Presiding Officer
Environmental Quality Council
122 W. 25th Street, Herschler Bldg., Rm. 1714
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Tel: (307) 777-7170

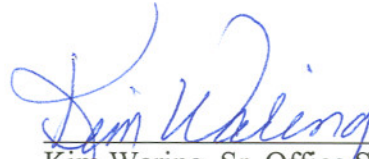
CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 30th day of June, 2010, I served a copy of the foregoing **ORDER** by depositing the same in the United States mail addressed to:

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

Bridgette Reece
18 Reese Dr.
SunsetValley, TX 78745

John Green
General Partner Mineral Hill, LP
P.O. Box 33010
Austin, TX 78764



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