

FILED

OCT 14 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

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

**IN THE MATTER OF)
THE PETITION TO DECLARE) Docket No 09-1103
AN AREA COMMONLY KNOWN AS)
SAND CREEK VERY RARE OR)
UNCOMMON)**

PREHEARING MEMORANDUM BY CROOK COUNTY

Comes now Crook County, Wyoming by and through its Board of County Commissioners by Joseph M. Baron, Crook County and Prosecuting Attorney, herein after referred to as the "County" who notifies the Environmental Quality Council, the hearing examiner and the other parties that:

1. The County will appear at the pre-hearing conference in this matter that will be conducted on October 15, 2010 at 3:30 p.m. at the Herschler Building, 122 W. 25th Street, Room 1713, Cheyenne, Wyoming via telephone conference call.
2. The County will appear by and through Joseph M. Baron, Crook County and Prosecuting Attorney via telephone with a direct telephone number and an email address as set forth below and as follows:

Joseph M. Baron,
Crook County & Prosecuting Attorney
Wyoming State Bar No. 5-2426
Office Location: 309 Cleveland, Crook County Courthouse
Mailing Address: P. O. Box 397 Sundance, WY 82729
Phone: (307) 283-1090; FAX: (307) 283-1091
Joeb@crookcounty.wy.gov

3. The County of will call the following witnesses. Set forth below are their

addresses, phone numbers and the substance of their proposed testimony:

John A. Moline, Jr., Chairman

Board of County Commissioners in and for Crook County, Wyoming
Office Location: 309 Cleveland, Crook County Courthouse
Mailing Address: P. O. Box 37 Sundance, WY 82729
Phone: (307) 283-1323; FAX: (307) 283-3038
Conniet@crookcounty.wy.gov

This witness will testify about those matters set forth in the letter from the County dated July 7, 2010; about the impact that the designation of “very rare and uncommon” will have on the County and why the Sand Creek Area should not be designated as “very rare and uncommon.” This witness may testify to other matters and present exhibits.

4. The County may call the following witnesses, but is not limited to these witnesses.

Set forth below are their addresses, phone numbers and the substance of their proposed testimony:

Linda Tokarczyk

P.O. Box 386
Hulett, WY 82720
307-467-5219
lindatokar@rtconnect.net

This witness may testify about those matters set forth in the letter from the County dated July 7, 2010; about the impact that the designation of “very rare and uncommon” will have on the County and why the Sand Creek Area should not be designated as “very rare and uncommon.” This witness may testify to other matters and present exhibits.

Tim Lyons

Crook County Growth and Development Coordinator
Office Location: 309 Cleveland, Crook County Courthouse
P.O. Box 848
Sundance, WY 82729
307-283-4548
timl@crookcounty.wy.gov

This witness may testify about those matters set forth in the letter from the County dated July 7, 2010; about the impact that the designation of “very rare and uncommon” will have on the County and why the Sand Creek Area should not be

designated as “very rare and uncommon.” This witness may testify to other matters and present exhibits.

Jeannie Whalen

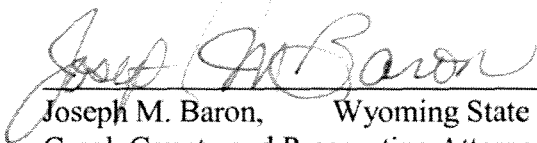
Chairman, Crook County Land Use Planning and Zoning Commission
Office Location: 309 Cleveland, Crook County Courthouse
P.O. Box 37
Sundance, WY 82729
307-896-2397

This witness may testify about those matters set forth in the letter from the Crook County Land Use Planning and Zoning Commission dated October ??, 2010; about the impact that the designation of “very rare and uncommon” will have on the County and why the Sand Creek Area should not be designated as “very rare and uncommon.” This witness may testify to other matters and present exhibits.

5. The County has not stipulated to any uncontested facts.
6. The County has not examined any exhibits nor entered into any stipulations to the foundation or admissibility of any exhibits or testimony by any party. The County would request the opportunity to review all exhibits by October 18, 2010 to effectively cross-examine the witnesses.
7. The County has no pending motions.
8. The County will be prepared to discuss the order of presentation of evidence.
9. The County will be prepared to discuss specifics of the tour scheduled for October 26, 2010. However due to a scheduling conflict the County may have to designate an additional witness that actually views the area.
10. The County will be prepared to discuss the procedural format of the hearing as it as it will apply, to testimony from individuals not called as a witness by either party.
11. The County may file a Pre-Hearing Memorandum that clarifies the substantive and procedural legal issues of all the parties, including identification of the statutory

provisions and regulations that form the basis of the Council's decision.

DATED this 14th day of October, 2010.



Joseph M. Baron, Wyoming State Bar No. 5-2426
Crook County and Prosecuting Attorney, State of Wyoming
Office Location: 309 Cleveland, Crook County Courthouse
Mailing Address: P. O. Box 397
Sundance, WY 82729
Phone: (307) 283-1090 FAX: (307) 283-1091
Joeb@crookcounty.wy.gov

CERTIFICATE OF SERVICE

I, Joseph M. Baron, hereby certify that on the 14th day of October, 2010, I served the above and foregoing "Prehearing Memorandum" on the following named parties by emailing a true and correct copy thereof as set forth below:

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

Erik Molvar
Biodiversity Conservation Alliance
erik@voiceforthewild.org

Mineral Hill &
Bronco Creek Exploration
Daniel B. Frank
Frank Law Offices, PC
519 East 18th Street
Cheyenne, WY 82001
frank@tribcsp.com



Joseph M. Baron