

**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

ORDER

On the 15th day of October, 2010 the Council held a prehearing conference in the above entitled matter. Parties present were Erik Molvar on behalf of the Petitioner Biodiversity Conservation Alliance, David Johnson on behalf of Bronco Creek Exploration, John Green, Dan Frank and Reba Epler on behalf of Mineral Hill LLP and Bronco Creek Exploration, Nancy Hilding, Tom Troxel on behalf of the Black Hills Regional Multiple Use Coalition, Hugh Thompson, Joe Baron on behalf of Crook County, Carson Engelskirger on behalf of the Black Hills Forest Resource Association and Brett Moline on behalf of the Wyoming Farm Bureau. Presiding was Councilman David Searle. Also present were Councilman Thomas Coverdale, Senior Assistant Attorney General Marion Yoder, Joe Girardin, the paralegal for the Council and James Ruby, the Executive Secretary for the Council. Parties given notice by email of the prehearing conference, but not present, were Sen. Charles Townsend and Rep. Mark Semlek.

Mr. Frank, on behalf of Objectors, had filed a Motion for Relief from the Prehearing Scheduling Order. After argument and the admission by Mr. Frank that the relief requested was no longer necessary the Motion was denied.

The parties present at the prehearing on October 15, 2010 are subject to the following schedule for the above entitled matter.

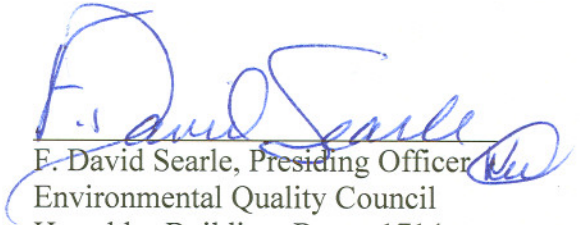
1. No later than 12:00 noon on October 22, 2010 the parties present at the prehearing shall file an intermediate disclosure of witnesses and exhibits. The disclosure shall identify for each witness, their address, telephone number, the subject matter on which they are expected to testify and whether or not they are being called as an expert witness. If they are being called to testify as an expert, the party should provide a vitae or resume of the expert and a summary of the expert's testimony and any opinions they are expected to offer. These lists must be served on all other known parties and filed at the Council's offices in Cheyenne.
2. The Petitioner, Biodiversity Conservation Alliance, shall identify their exhibits by marking them in alphabetical order beginning with its organization name followed by the letter A and proceeding through the alphabet to Z. In the event there are more

exhibits than letters the Petitioner shall than use double alphabet beginning with AA and proceeding through the alphabet to ZZ. For example: "Biodiversity Conservation Alliance A"

3. The supporters of the petition shall identify their exhibits by marking them with their name followed by a letter from the alphabet. Again, beginning with A and proceeding through the alphabet to Z. For example: "John Doe A"
4. The Objector's, Mineral Hill and Bronco Creek Exploration, represented by Dan Frank, shall identify their exhibits by marking them with Mineral Hill-Bronco Creek Exploration followed by numbers beginning with the number 1 and proceeding in numerical order. For example: "Mineral Hill-Bronco Creek 1"
5. Opponents to the petition shall identify their exhibits by marking them with their name and following their name with a number beginning with the number 1 and proceeding in numerical order. "John Doe 1"
6. The parties at the prehearing shall deliver to the Council and the other parties that were present at the prehearing, by October 20, 2010, the location, (including latitude/longitude) and pictures, if available, associated with those areas that they believe the Council should view during their tour of October 26, 2010.
7. It is understood that all parties may not be known until the start of the hearing at 9:00 a.m. October 27, 2010. Those people or organizations who appear by that time will be treated as parties, and be allowed to testify, present other evidence and to cross-examine other witnesses.
8. All parties will have an opportunity to present an opening statement. The amount of time available to each party will be dependent upon the number of parties wishing to present an opening statement. The Council will allocate a total of 60 minutes for opening statements.
9. The parties may elect to waive giving opening statements and cross-examination. To the degree possible, the parties are urged to consolidate their opening statements and their cross examination of witnesses.
10. All motions as between the parties present at the prehearing shall be filed no later than 12:00 noon October 22, 2010.
11. All parties and members of the public who wish to comment on the petition will be given the opportunity to do so but will be subject to cross examination. The Council will not allow unduly repetitive, cumulative or irrelevant testimonial or other evidence to be presented.
12. In order to maintain party status the party must be present for all of the public hearing.

13. All filings may be filed electronically, at KWarin@wyo.gov, so long as the original signed copy is delivered to the Council prior to October 27, 2010.

SO ORDERED this 20th day of October, 2010.



F. David Searle, Presiding Officer

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CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 20th day of October, 2010, I served a copy of the foregoing **ORDER** by email, U.S. Mail First Class Postage prepaid, or facsimile transmission to the following:

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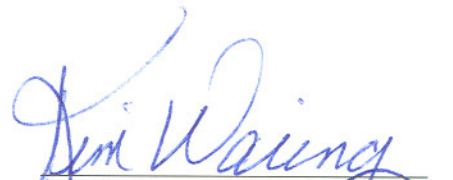
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