

I was born and raised and live on our family ranch here in Crook County. In addition to our ranch we have a startup mineral company. I have the unique perspective of seeing the merits of this petition from both sides. As landowners we must cope with mineral and energy companies seeking to develop reserves on our land and adjacent properties. As a mineral company we understand the need for the raw materials and the necessity of responsible stewardship.

Living on our pristine ranch we can fully appreciate the owners of homes adjacent to Sand Creek seeking to protect their property rights including the inherent value of the local landscape and environment. Seldom is mineral or energy development short lived. Even the best reclaimed sites usually more closely resemble a marvelously crafted golf course than natural terrain. Man is incapable of recreating the diversity and beauty nature has crafted over centuries. Development is detrimental to property values in both monetary and psychological terms.

We all believe our backyards are pristine and we have little to no use for development that will scar our land or the surrounding viewscape and environment. We particularly in the Black Hills and the surrounding area are blessed with astounding views and a sacred appreciation for this beauty. Every place in and around the hills is unique; no two places are alike.

In my reading of the petition it appears that the claim is that this area is "Very Rare and Uncommon." Several of the claims in the petition raise the question of what makes this area worthy of such a status. Was it the effects of the ice age, the appearance of the Native Americans, the settlers' arrival, the boom and bust of the historical mines and saw mills, the long standing ranchers' grazing operations or the summation of these or is it more likely the desire to maintain the view from vacation homes adjacent to this property? Was the land where the houses were built not of similar character which deserved similar protection using the same principles that underlie the proposed petition?

In my opinion the fundamental concern of the Friends of Sand Creek is the aesthetic view from what is primarily their second home or vacation home, which makes it all that more important to them, because the value to them is contingent on the scenery and serenity. As I have stated earlier I sympathize and fully appreciate their concerns, but I do not believe this is in line or respectful of the intention of the "Very Rare or Uncommon Statute."

We are in an era when the scenic and serene value of a home is becoming a paramount attribute in comparison to traditional valuation especially in cases such as this where the market value clearly exceeds the shelter value of the homes. This particular case should be brought before the state legislature to promote an honest and open review of the statutes that protect landowners' rights in lieu of attempting to misuse a well-intentioned statute for personal gain.

We cannot forget this property was preserved for nearly a century through proper use and management without any state or federal restrictions. With the well intentioned restrictions and regulations that have been advanced in the last quarter century the petitioned concerns are already fully addressed. The additional classification would be duplicative and unnecessary at best.

We just completed our mining permit last year and we have had several on-site reviews by the Wyoming Department of Environmental Quality. I can personally attest to the fact that the permitting process is very comprehensive and the Natural Resources Analysts from the WDEQ that conduct the on-site reviews, to ensure compliance, are acutely aware of all potential issues that can arise from mineral development. Any proposed mining permit in the Sand Creek Area would contain much greater detail subject to ample review by the Wyoming DEQ who would ensure that the concerns noted as well as overlooked by the aesthetic Biodiversity Alliance Proposal would be fully addressed. If a plan could not be put forth that adequately addresses these concerns no mining would allowed.

The petition under consideration submitted on August 12, 2009 is nearly a carbon copy of the petition submitted by the same party on May 26, 2009 which was dismissed by the Council on July 17, 2009 by a margin of five to two. The redundant submission of rejected petitions by the Biodiversity Conservation Alliance is an affront to the process and a direct challenge to the legitimacy of the Commission's previous sound finding. I thank you for the opportunity to comment and appreciate your service to our state in these matters.

Submitted Electronically

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