

Office of State Lands and Investments

Funding Wyoming Public Education

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Dave Freudenthal
Governor

Lynne Boomgaarden
Director

October 18, 2010

Environmental Quality Council
122 W. 25th Street
Herschler Bldg., Room 1714
Cheyenne, Wyoming 82002

FILED
OCT 18 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

Re: Notice of Public Hearing
Proposed Designation as Very Rare or Uncommon
Portions of the Upper Valley of Sand Creek

Dear Council:

The Office of State Lands and Investments is in receipt of the captioned Notice of Public Hearing scheduled for October 26, 2010. Unfortunately, because of other commitments, we will be unable to attend. Please accept these written comments for the record.

The Office of State Lands and Investments (OSLI) manage approximately 240.38 acres of mineral estate within the proposed designation boundary. The Wyoming Constitution and statutes mandate that OSLI and the Board of Land Commissioners manage these trust assets for both short- and long-term returns to the public schools and other designated beneficiaries. Accordingly, we view cautiously any designation or action that could impede our ability to protect the underlying value of, or derive revenue from, those trust assets.

We understand that the legal effect of a "rare or uncommon" designation pursuant to W.S. 35-11-112(a)(v) is confined to the Department of Environmental Quality's consideration of whether to issue or deny a mining permit. If our understanding is not correct, we would appreciate clarification on this issue.

Recognizing that, like the captioned area, many areas of Wyoming have high surface resource values (e.g., habitat, cultural and historical resources) we initiated a program in August 2005 whereby we consult with the Wyoming Game & Fish Department and the State Historic Preservation Office to develop and apply wildlife and cultural resource protection stipulations to State oil and gas leases being sold at public auction, as appropriate. To-date, wildlife stipulations now protect approximately 973,537.63 acres and cultural stipulations protect 46,707.47 acres of

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state trust land. The parcel within the proposed designation boundary is currently unleased, however, any new lease issued would contain stipulations to protect important surface resources to the extent appropriate.

We appreciate this opportunity to comment. If we may be of further assistance, please do not hesitate to contact me.

Sincerely,



Susan Child
Deputy Director