

James S. Angell (WY Bar No. 6-4086)  
Robin Cooley (admitted *pro hac vice*)  
Andrea L. Zaccardi (admitted *pro hac vice*)  
Earthjustice  
1400 Glenarm Place, Suite 300  
Denver, CO 80202  
Tel: (303) 623-9466  
Fax: (303) 623-8083

Attorneys for Protestants

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
OF THE STATE OF WYOMING

IN THE MATTER OF:	)	
BASIN ELECTRIC POWER COOPERATIVE	)	Docket No. 07-2801
DRY FORK STATION,	)	Presiding Officer, F. David Searle
AIR PERMIT CT-4631	)	
_____	)	

**NOTICE OF ADDITIONAL AUTHORITY**

Protestants Powder River Basin Resource Council et al. herein file a Notice of Additional Authority related to Respondent Department of Environmental Quality’s Motion to Dismiss (filed Feb. 7, 2008). Protestants submit Environmental Protection Agency (“EPA”), California State Motor Vehicle Pollution Control Standards; Notice of Decision Denying a Waiver of Clean Air Act Preemption for California’s 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles, 73 Fed. Reg. 12156 (Mar. 6, 2008) (attached as Exhibit 1) and Letter from Henry A. Waxman, Congress of the United States, House of Representatives to Stephen L. Johnson, Administrator, EPA (Mar. 12, 2008) (attached as Exhibit 2). These documents are relevant to Protestants’ argument in their Response to Basin Electric’s Memorandum in Support of the Department’s Motion to Dismiss at 10 n.11. As these documents show, EPA Administrator Stephen Johnson has conceded that global warming as a result of anthropogenic causes is occurring and is a threat to the public and the environment. 73 Fed. Reg. 12165-67. Furthermore, EPA assembled 60 to 70 staff members to comply with the Supreme Court’s ruling in Massachusetts v. EPA, and they developed a positive endangerment finding and proposed to regulate greenhouse gas emissions from motor vehicles. Although Administrator Johnson approved this proposal and sent it to the White House, once there, the process halted. Waxman Letter at 1.

Dated: April 24, 2008

Respectfully Submitted,

/s/ Robin Cooley

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## CERTIFICATE OF SERVICE

I certify that on this day of April 24, 2008, I served a copy of the foregoing NOTICE OF ADDITIONAL AUTHORITY via e-mail and by depositing copies of the same in the United States mail, postage prepaid, addressed to:

Nancy Vehr  
Jay A. Jerde  
Kristen Dolan  
Office of the Attorney General  
123 State Capitol  
Cheyenne, WY 82002  
nvehr@state.wy.us  
jjerde@state.wy.us  
kdolan@state.wy.us

Patrick R. Day  
Mark R. Ruppert  
Holland & Hart LLP  
2515 Warren Avenue, Suite 450  
Cheyenne, WY 82003  
pday@hollandhart.com  
mruppert@hollandhart.com

/s/ Robin Cooley