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September 7, 2007

Ms. Terri Lorenzon  
Wyoming Environmental Quality Council  
Herschler Building, Room 1714  
122 W. 25<sup>th</sup> Street  
Cheyenne, WY 82002

**FILED**

SEP 10 2007

Terri A. Lorenzon, Director  
Environmental Quality Council

*RE: Your letter of August 24<sup>th</sup> regarding Adobe Town Rare and Uncommon Petition*

Dear Terri:

Thank you for your August 24<sup>th</sup> letter addressing the plans for the August 28<sup>th</sup> EQC tour of Adobe Town. Since the tour has been completed, the matters raised in my correspondence to you are perhaps moot. However, for the sake of clarity I believe it appropriate to address some of the points in your letter.

I attended the ground tour on August 28<sup>th</sup> and the follow-up meeting on the 29<sup>th</sup>. I believe the Council did a very good job in conducting the ground tour and the guides proved very capable at getting around the Northern and Western portions of the area in an efficient manner. The Council was not able to see the Eastern portion of the area given the limited time available. The follow-up meeting on the 29<sup>th</sup> was also very beneficial and I appreciate the Council's efforts to identify the issues they would like the parties to focus on at the hearing. I cannot speak to how the aerial tour proceeded, as I was not allowed to participate in that portion of the Council's public meeting. I understand that the Petitioner was a participant in the aerial tour, which, as you know, I find objectionable for reasons previously stated.

I appreciate your effort to clarify the role of LightHawk in the flyover tour. Your letter takes issue with my conclusion that LightHawk "partners" with environmental organizations in support of their environmental campaigns and you indicate that LightHawk "is not an advocacy organization." I appreciate you providing their staff's number to contact them in case I have questions about their mission. I also know that you value accuracy, and therefore, I am sure that you will be concerned to discover that the information you related in your letter is inconsistent with information on the organization's web page. I invite you to review LightHawk's web site, [www.lighthawk.org](http://www.lighthawk.org), which indicates they are an "environmental aviation organization" whose "partner" organizations include the Sierra Club, Wyoming Chapter and the Wyoming Outdoor Council. See [www.lighthawk.org/partners.htm](http://www.lighthawk.org/partners.htm). Both of these LightHawk partners are identified as endorsing the Adobe Town Petition. Lighthawk's web site also indicates that their "Environmental Program provides the unique perspective of flight in support of the most pressing environmental issues and campaigns throughout the regions we serve." See [www.lighthawk.org/programs.htm](http://www.lighthawk.org/programs.htm). The motto under their newsletter heading is "Championing environmental protection through the unique perspective of flight." Given these statements from

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LightHawk's web pages, I believe the concerns I expressed and requests I made regarding the format of the aerial tour were appropriate.

Your letter also stated that I said using LightHawk-donated flights violated state statutes. To be clear, in our conversation I stated that accepting such a donation may be in excess of the Council's statutory authority. You then requested that if I had concerns about the legality of the Council accepting a donation of flights that I should write you a letter stating those concerns. You will note that my August 15<sup>th</sup> letter did not raise that issue. However, since you raised it in your August 24<sup>th</sup> letter, I will reiterate that I believe the practice may raise legal questions under the EQA and state executive branch policies. As my August 15<sup>th</sup> letter stated, I would not have been concerned with the use of LightHawk donated flights assuming procedural safeguards were employed to ensure compliance with the APA and open meeting laws.

I appreciate your concern that the Council act within the law and know that you are conscientious about ensuring that is the case. I likewise appreciate your invitation to elaborate on my thoughts, but at this time I will decline since the tour has already taken place. However, since, as you recognized, the matter is significant in the context of the Council's future actions, perhaps the Attorney General should be invited to look at the issue.

One of the other points you raised also seems significant. You state: "I understand that you say you know what he [Craig Thompson] supports, and you think support of the petition is a litmus test for being an 'environmentalist' and, therefore allied with Erik's views." Perhaps there is some confusion in how you interpreted my August 15<sup>th</sup> letter, since I raised no objection to Mr. Thompson's participation as a guide and in fact said he was "a logical candidate to provide input to the Council." I merely suggested that "in addition to Mr. Thompson's input" that the Council also enlist the expertise of others having knowledge of the area. I appreciate the fact that you also enlisted the assistance of Mr. Hartley, and between Mr. Hartley and Mr. Thompson the ground tour was well guided.

Your statement that support for the petition is a "litmus test" for being an "environmentalist" is an interesting analogy, but not one that I had previously drawn or one that could be reasonably inferred as being my position. To the contrary, I agree with you that the issue before the Council is whether the area proposed by the Petitioner should be designated as very rare and uncommon within the statutory framework provided by the legislature. I also agree with what is implicit in your statement—that such a determination can be made without "labeling" anyone.

I hope this letter clarifies my position relative to the matters we have discussed. I am looking forward to a productive hearing on the petition and will be contacting you regarding the scheduling and format for the hearing to make sure that my clients' presentations are clear and concise and directed at the matters the Council wants to consider. In the meantime, should you have any questions, please don't hesitate to contact me.

Sincerely,



Keith S. Burron

cc: Petitioner