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AUG 15 2007

Terri A. Lorenzon, Director
Environmental Quality Council

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August 15, 2007

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

HAND DELIVERED

*RE: Environmental Quality Council's August 28, 2007 Tour of Areas Proposed for
Rare and Uncommon Designation by Biodiversity Conservation Alliance, Adobe
Town and adjacent areas within Petition Boundaries*

Dear Terri:

Thank you for your letter of August 7th regarding the Council's upcoming tour of the referenced area proposed for rare and uncommon designation, and for talking with me on the phone this week regarding the tour. I have every confidence that the Council intends to conduct the tour in an efficient manner that preserves the process concerns of all parties and complies with the open meeting laws. As I stated in our call, my clients agree that it is important for the Council to view all of the areas proposed by Biodiversity Conservation Alliance for very rare and uncommon status before considering any portion of the lands for designation. In our conversation I expressed some concerns that I had about the format of the tour and I appreciate the clarification you offered. As you suggested, I am writing to elaborate on my remaining concerns for your further consideration prior to the tour taking place. Where appropriate, I have suggested means to ameliorate these concerns and perhaps also make the tour more productive.

First, you clarified that the Petitioner will not be guiding the tour and mentioned that Craig Thompson will be one of the tour guides. I appreciate the clarification on the former point, as I believe it is important for the Council to make an objective and independent evaluation of the proposed area. With regard to Mr. Thompson, I recognize that he is a former Council member and has knowledge of the designation process, and I understand that he has knowledge of the Adobe Town area. Those qualities make him a logical candidate to provide input to the Council during the Council's tour. However, I also recall that he is one of a few people who came to the initial meeting of the Council to speak in favor of a rare and uncommon designation. As a result, in addition to Mr. Thompson's input, I would encourage the Council to enlist the participation of other people who also have on-the-ground familiarity with the areas encompassed by the

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Petition. For example, representatives of the Rock Springs Grazing Association, the companies I represent, and other organizations who have expressed an interest in these proceedings all have knowledge of much of the area that has been proposed for designation. Their input into the planning and routing of the tour, in addition to that of the Petitioner and Mr. Thompson, would likely be useful to the Council. We also believe it would be useful to enlist the assistance of the BLM personnel who are familiar with the area, since almost all of the proposed area is on BLM land and that agency has studied many of the features of the area in their ongoing revisions to the Rawlins/Great Divide Resource Management Plan. If you would like input from any individuals within any of these organizations prior to the tour, I would be happy to do what I can to facilitate their input into the routes or places to visit on the tour.

Second, based upon my discussions with people familiar with the area, due to the large size of the area proposed for designation it will be very difficult if not impracticable to see the whole area on the ground tour in one day. Nonetheless, we believe it is important to view not only the areas that have been designated by the BLM as a Wilderness Study Area (WSA), but also those areas that are proposed for rare and uncommon designation outside the WSA. Would it be possible for the Council to plan its route for the air and ground tour in advance of the tour and give some advance notice to interested parties of the planned route? That way those with first-hand knowledge of the area could provide some input on the proposed routes and advise the Council of areas that they believe should be visited if they are omitted from the routes. In addition, if there are areas that will be infeasible to visit in a day, those familiar with the area will be able to point out the logistical problems before the tour heads to the field.

Third, while my clients support the idea of the Council taking a fly-over tour of the area, I remain concerned about the format for the fly-over portion of the tour. I understand from our discussion that the current plan is for Mr. Molvar to be on one of the planes for the flyover to direct the pilots because they are unfamiliar with the area. The Petitioner should not be entitled to directly participate in the fly-over when other interested parties cannot participate. That, coupled with the fact that Light Hawk, the organization donating the flight time, is an environmental organization which supports environmental campaigns of this type and which partners with some of the same organizations who have endorsed the pending petition, raises concerns that the Petitioner may have an opportunity to influence what gets viewed in the limited time the Council is in the air.

We believe a better format would be for the Council to conduct the fly-over without the Petitioner's participation, and have the route predetermined by the Council after input from interested parties. I have every confidence that if the Council solicited input from multiple interested parties and mapped its aerial route considering that input, that the Council would be able to view several representative areas within the petitioned boundaries and avoid any potential for bias. Under such a format, my clients would have no concerns with the use of Light Hawk's services to facilitate the fly-over. We would be happy to suggest areas for the Council to pinpoint in GPS on its flyover that we believe are relevant to a rare and uncommon assessment and we would have no objection to the Petitioner likewise suggesting locations to observe on the fly-over.

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Fourth, since the Council's tour is a public meeting, it must be open to the public at all times and the opportunity for Petitioners (or other interested parties on either side of the issue) to engage in ex-parte communications with Council members concerning the Petition must be minimized. I understand from our conversation that it is the Council's intention that neither the Petitioners nor other parties should have an opportunity to discuss matters related to the Petition with Council members on the tour except during stops where all participants on the tour will be able to be present and hear the discussion. However, this may prove difficult to implement if the Petitioner is riding in the vehicles provided by the Council and with any Council members. My suggestion would be to require Petitioners to provide their own transportation for the tour, just as is being required for all other members of the public.

In concluding, I want to reiterate that I am confident that it is the Council's desire to conduct their tour efficiently and in a manner that preserves the interests of all parties. Consistent with that desire, I request that you give consideration to the concerns and proposed solutions I have outlined as the council finalizes its preparations for the tour. I would also appreciate any further information you can provide regarding the proposed routes prior to the tour. In addition, if you would like for me to arrange for the participation or input from any of the parties I represent or others with familiarity with the area, I would be happy to facilitate those contacts. Thank you for the opportunity to address these matters with you and I would appreciate any follow-up you might be able to provide after considering these points. In the meantime, should you have any questions, please don't hesitate to contact me.

Sincerely,



Keith S. Burron
Associated Legal Group, LLC

cc: Petitioner