



THE STATE OF WYOMING  
ENVIRONMENTAL QUALITY COUNCIL

August 24, 2007

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Mark Gifford  
John N. Morris  
F. David Searle  
Terri Lorenzon, Esq.  
Director  
Joe Girardin,  
Paralegal  
Kim McGee,  
Executive Assistant

122 W. 25th, Herschler  
Bldg., Rm. 1714,  
Cheyenne, WY 82002  
(307) 777-7170  
FAX: (307) 777-6134  
[http://deq.state.wy.us/  
eqc](http://deq.state.wy.us/eqc)

Keith Burron  
Associated Legal Group, LLC  
1807 Capitol Ave.  
Cheyenne, WY 82001

**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 with Petition Boundaries, Docket No. 07-1101**

Dear Keith:

Now that we have talked a second time, and I have learned there may be misperceptions about the Council and the tour of Adobe Town floating around, I am writing to make a record of the responses I gave you in our phone call on August 13<sup>th</sup>, 2007. I have also now received your letter of August 15<sup>th</sup> and will address new items you raised.

- All the scheduling has been done by my office. The flight service, Lighthawk, was contacted because the name was mentioned at the meeting in Rock Springs. Kim called them and obtained information on their services, their pilot requirements, and their experience. Kim made all of the arrangements. Erik Molvar did not participate in choosing the flight service or scheduling the tour.
- Lighthawk has extensive experience with flying over areas being considered for development or recognition. I spoke with them and they are not an advocacy organization. Contrary to the impression you received from reading their web site or other information, they do not support any environmental campaigns. They do not "partner" with environmental organizations. If you want further information, you can call Sama Blackwell at their office. Her number is 303-433-4166. They provide the means to groups to gather information so informed decisions can be made. They take no position on Adobe Town or any other issue in Wyoming. The pilots are not from Wyoming.
- The availability of several small planes with Lighthawk, enables the Council to spend less time in the flight process, i.e. taking off and landing, and more time on the ground for the land tour. If the state planes were not all jets, we would use the state planes. Tours do not work in jets—we have tried it. Even twin engine planes offer a limited view. We looked and we found no flight service in Wyoming that can handle the air tour.
- You objected to our use of the Lighthawk planes and stated that using these planes violates state statutes. I invite you to expand on your opinion and provide your citations to the statutes. This is not something I take lightly and I need to make sure we are within the law.

If it does violate state statutes, I am also concerned that all the tours of areas and facilities that we take, where we are not in state or personal vehicles, may be a problem.

- I sent you the flight schedule in my first letter and would note, again, that it is a very tight schedule and the Council will be viewing the area by air for a very short time. The determining factor in where people sit is their weight. The flight schedule may change a bit due to last minute cancellations.
- The Council will be deciding where they want to go and what they want to see during the air tour and the ground tour. They are evaluating a tour plan. They will decide if the guides are on the planes and whether the Petitioner is on a plane or in the vehicles with the Council.
- I am the person who asked Craig Thompson to be a guide. Craig has extensive “on the ground” experience and he has no stake in the outcome of this designation. He is not allied with Erik Molvar, and I do not know if he supports the designation that has been proposed. I understand that you say you know what he supports, and you think support of the petition is a litmus test for being an “environmentalist” and, therefore, allied with Erik’s views. I will just say that designation hearings are about the area being evaluated for designation. This case is about whether Adobe Town meets the criteria for designation as rare or uncommon.
- Rick Moore and I had discussed using other people to help guide us. I asked John Hay of the Rock Springs Grazing Association and Don Hartley of the Southwestern Wyoming Industrial Association to assist. John will not attend but one or two others from the Grazing Association will attend. Don has been traveling the area to make sure the roads are passable.
- The Council will stop at points during the land tour and they will get together to ask their questions, read maps, or decide on any changes to the route. The public has been invited to attend and you can listen to the Council discussions and questions.
- You expressed your concerns with the impact of a designation on oil and gas operations on federal land use decisions. The Environmental Quality Act states that the designation applies to non-coal mine permits and the Act and the regulations explicitly exempt oil and gas operations. The Council’s job, under the Act, is to evaluate areas of the state to determine if an area should be designated as rare or uncommon. The regulations set forth a two stage process and this is what the Council must follow. There are six criteria in the statute that will be evaluated. You are invited to make an argument on whether, or how, the possible impact on federal decisions comes into this process. Can the Council deny a designation on the basis of possible federal land use implications?
- The regulations specifically have notice provisions that include those with mineral interests so every person who is interested in the process can participate. The Council placed a notice about the Adobe Town tour on its web site as soon as the timing was established. There is also a notice on the agenda for the August meeting and we sent out a letter to all who attended the discussion of Adobe Town at our June meeting so people can attend the tour if they choose to do so. Minutes are being kept for the meetings and the hearing will be recorded.
- Rick Moore and I have plans for the tours. Maps have been supplied to the pilots and the guides and the Council is going to take two swings over the area—concentric circles. If the Council wants to fly over a particular area again, it will depend on the time and the pilot.

A plan for the land tour is being circulated among the guides and the Council for their suggestions. When it is done, it will be posted on the web site.

Sincerely,

  
Terri Lorenzon  
Director/Attorney

Cc: Erik Molvar, Biodiversity Conservation Alliance  
Petitioner