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FILED

SEP 02 2008

Jim Ruby, Executive Secretary
Environmental Quality Council

September 2, 2008

TRANSMITTED VIA FAX: 307-777-6134

Honorable Dennis M. Boal
Chairman, Environmental Quality Council
Herschler Bldg., Room 1714
122 W. 25th St.
Cheyenne, WY 82002

Re: Amended Petition for Designation of an Area Known as Sand Creek as Rare and Uncommon – Docket No. 07-1102

Dear Mr. Boal and Council Members,

I am the General Partner of Mineral Hill, L.P., and we are surface and mineral owners of property located in the Sand Creek area. I have previously filed replies to the original petition filed by Ms. Marcia F. Dunsmore on the grounds that she failed to identify all the surface and mineral owners of lands contiguous to the area so that EQC could give them the required notice. I have also noted that none of the plants or species upon which the petition is based are very rare or uncommon as also required. On my flight from Austin, TX to attend the EQC's schedule presentation in Sundance, WY on September 5th, 2008, I have had occasion to review the Amended Petition filed by Ms. Dunsmore.

Failure to give notice

Once again, Ms. Dunsmore has failed to identify all the surface and mineral owners. Clearly, Table III of the Surface Owners omits Bridgette Reece. I believe I have previously furnished EQC copies of the records of Crook County which evidence her ownership. I am familiar with her ownership as I am the one who deeded the parcels of land to her several years ago. Her status as a mineral owner is also not included anywhere in the petition. I have just spoken to her by telephone and she advises me that she has received no notice of the scheduled September 5th hearing. Also omitted from the table of mineral owners is Moskee Land Corporation, LLC. Their name is listed on page 3 of the amended petition and identified as parties whose ownership interest is to be included within the area proposed for designation. Clearly, they would also be entitled to notice but I do not know if EQC has mailed them notice.

I would therefore respectfully request that the hearing be cancelled or at the least continued until such time as adequate notice is given to all the surface and mineral owners entitled to notice so they are given an opportunity to participate in the proceedings. Proceeding without giving notice to all the parties affected by the proceeding would, of course, violate due process.

Failure to allege an adequate basis for the designation sought

The basis under which the environmental designation sought is that the area sought to be designated be very rare and uncommon. The petition fails to meet this very basic requirement. I agree that the Sand Creek area is pretty as is much of Wyoming but this is not a sufficient basis. The plants which the petitioner claims as "rare" [the required designation is that the plants be "very rare"] are clearly not, according to the U.S. Department of Agriculture's plant database, copies of which I have previously filed with EQC. This fatal omission is also noted by the filed letters of professionals in their respective fields, who are familiar with the area. The mule deer and fish mentioned also do not meet the basic requirement needed to qualify for the designation sought. In short, the petition is totally inadequate and frivolous. Therefore, I would urge the EQC to dismiss the petition and sanction Ms. Dunsmore by prohibiting her from continuing to file these frivolous and time consuming petitions without the assistance of an attorney, who is knowledgeable and familiar with the procedures and requirements necessary to present a proper petition.

Ms. Dunsmore has previously been advised and cautioned by EQC of the necessity of filing a proper petition. Obviously, she is incompetent to present a proper petition without the assistance of counsel. The EQC must impose some restrictions on her to prevent her continuation of filing these frivolous petitions which are legally insufficient as a matter of law.

Respectfully,



John Green, General Partner
Mineral Hill, L.P.

cc: Attorney General's Office [Transmitted via U.S. Mail]
Administration Division
123 Capital Building
200 W. 24th St.
Cheyenne, WY 82002