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**FILED**  
JUN 05 2008  
Terri A. Lorenzon, Director  
Environmental Quality Council

June 2, 2008

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

TRANSMITTED BY CERTIFIED MAIL

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. It has recently come to my attention that your Council has scheduled a hearing in Sundance, Wyoming for June 24, 2008 regarding a Petition to the Environmental Quality Council for Designation of an Area Known as Sand Creek as Rare and Uncommon filed by the 'Friends of Sand Creek'. Whereas your rules, ie section 6(a)(i) provide that "any person" may file a petition, I am uncertain if the petitioner person is the 'Friends of Sand Creek' or Marcia F. Dunsmore, who is included as part of the address. However, I am concerned about the lack of notice and would draw your attention to W.S. Section 35-11-112, Section 6(b) which states:

Upon receipt of a petition under these rules, the Council shall consider the petition at a regularly scheduled Council meeting and **shall notify** the petitioner and **surface and mineral owners whose lands or minerals are within the area proposed for designation** of the time, date, and location of the meeting. The Council's consideration shall be limited to whether the petition should be accepted or dismissed. (emphasis added)

Certainly, the land and mining claims of Mineral Hill, L.P. are "within the area proposed for designation." The Friends of Sand Creek petition has circumvented the notice requirement rules by alleging on page 2 of their petition that they are "excluding the private land". Their petition then proceeds to exclude notice to all land owners within the area except for the U.S. Forest Service and the U.S. Dept. of Interior Bureau of Land Management. The law clearly and reasonably provides for notice to all "surface and mineral owners whose lands or minerals are within the area proposed for designation". Table III of their petition recognizes the existence of surface owners within the area "(including lands surrounded by but excluded from the petition area)". Clearly, the owners of 'lands surrounded by' would be within the area and therefore

entitled to notice. (I would also note that Table III of their petition fails to include all surface owners within the area as required by Section 6(a)(vi) and appears to also violate Section 6(a)(xi) which requires the names and addresses of the surface owners of lands contiguous to the area.)

Further compounding the failure to give notice is the misleading Friends of Sand Creek maps attached to the petition. These maps show the petition area to include the private surface and mineral owners. If the petition intends for these parties to be excluded, then the maps should instead show boundary areas which exclude these interests. This imaginary 'include/exclude rule' apparently fashioned by the Friends of Sand Creek in preference over complying with W.S. Section 35-11-112, Section 6(b), appears to be an attempt to avoid the Wyoming notice requirements and mislead the Environmental Quality Council.

I never received notice as required by Wyoming law and others I have contacted, who were also entitled to notice, advise me that they likewise did not receive notice. I would therefore respectfully request that the scheduled hearing be cancelled and or at least continued until proper legal notice is given as required by Wyoming law before proceeding further. I believe that failure to proceed without complying with the requirements of Wyoming law would constitute a violation of due process. If you elect to proceed, without notice to the surface and mineral owners, then I would request to be heard at the hearing currently scheduled in Sundance, WY on June 24, 2008.

Respectfully submitted,



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

Cc: Attorney General's Office  
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