

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

**A PETITION TO THE ENVIORNMENTAL)
QUALITY COUNCIL FOR DESIGNATION)
OF AN AREA KNOWN AS SAND CREEK)
AS RARE OR UNCOMMON)**

Docket No. 09-1102

FILED

JUL 07 2009

*Jim Ruby, Executive Secretary
Environmental Quality Council*

**MOTION FOR CONTEMPT AGAINST
ERIK MOLVAR AND REQUEST FOR STAY OF PROCEEDINGS**

COMES NOW, John Green, General Partner of Mineral Hill, L.P., which are surface and mineral owners of property located in the Sand Creek area and motions that Erik Molvar be held in contempt and the proccdings stayed until further order of the EQC based upon the following grounds and reasons.

The above referenced petition filed on behalf of the Friends of Sand Creek, Prairie Hills Audubon Society, Defenders of the Black Hills and the Biodiversity Conservation Alliancc, was filed unsigned. However, the Addendum filed on 06/01/2009 is signed by Erik Molvar.

According to the records of the Wyoming State Bar, Erik Molvar is not a licensed attorney. The website for the Biodiversity Conservation Alliance (www.voiceforthewild.org), advertises Erik Molvar as a biologist who authors appeals and legal briefs. See Exhibit A.

Wy. Stat. Ann. 33-5-115 provides for a stay of proceedings as follows:

“The court may, on motion of either party, and on the showing of reasonable grounds therefor, require the attorney for the adverse party, or for any one (1) of several adverse parties, to produce or prove, by his own oath or otherwise, the authority under which he appears, and until he does so, may stay all proceedings by him, on behalf of the parties for whom he assumes to appear.”

Wy. Stat. Ann. 33-5-117, with regard to the unauthorized practicc of law, provides:

“It shall be unlawful, and punishable as contempt of court, for any person not a member of the Wyoming state bar to hold himself out or advertise by whatsoever means as an attorney or counselor-at-law.”

Wherefore, it is respectfully requested that all proceedings in the above cause be stayed until such time as Erik Molvar produce or prove his authority to practice law in the State of Wyoming and upon failure to do so, that he be held in contempt of court.

Dated: July 7, 2009

Respectfully submitted,



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CERTIFICATE OF MAILING

I certify that I have this 7th day of July, 2009, mailed the above and foregoing Motion for Contempt against Erik Molvar and Request for Stay of Proceedings to the Wyoming Environmental Quality Council, Herschler Bldg., Room 1714, 122 W. 25th St., Cheyenne, Wyoming 82002 and faxed it to them at 307-777-6134. I have also mailed a copy to the Attorney General's Office, Administrative Division, 123 Capital Building, 200 W. 24th St., Cheyenne, WY 82002.



John Green

7/7/2009

BCA: staff



Erik Molvar is Executive Director and Wildlife Biologist of Biodiversity Conservation Alliance. In addition to leading the organization, he authors comprehensive, science-based conservation alternatives for large-scale land management plans, drafts comments, appeals, and legal briefs on projects affecting public lands, and works closely with the media. Erik's studies are internationally published, and he is the author of 14 wilderness guides. Erik has a Master of Science degree from University of Alaska Fairbanks.



Wayne Prindle, Conservation Advocate, writes detailed comments and appeals on oil and gas activities that threaten the world-class wildlife and wild places in Wyoming; Wayne is also our primary Black Hills forest defense staffer, analyzing and challenging forest projects that affect wildlife and habitat. Wayne has a degree in Conservation Biology and a Masters in Environmental Law and Policy from Vermont Law School.



Duane Short is Wild Species Program Director and primary forest defense staffer for the Medicine Bow National Forest; Duane writes detailed comments and appeals on projects that threaten forest health, oversees the drafting of Endangered Species petitions and litigation, and works closely with the media. Duane holds a Bachelor of Sciences degree in Zoology from Northern Arizona University, is a professional writer and brings more than a decade's conservation volunteer experience to BCA.



Sarah Egolf is BCA's Development Director and Business Manager. Sarah energizes members and foundations to support BCA's work by writing annual appeals, grants, annual reports, and coordinating fundraising events, as well as balancing the books and maintaining correspondence for the organization. Sarah graduated with Honors from Earlham College with her Bachelor's degree, and has extensive experience with nonprofits and volunteering.



Carmi McLean is the BCA Community Outreach Director, recruiting volunteers and activists, spreading the word about emerging threats to clean water, healthy communities and wildlife, and mobilizing our members and supporters to fight destructive projects and practices. Carmi is the former Colorado Director of Clean Water Action and spent 20 years working on political campaigns and ballot initiatives in Colorado, Idaho, and South Dakota. She holds a Bachelor's degree from the University of Northern Colorado in History and English.



EXHIBIT A
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