

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

FILED

JUL 08 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

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

Docket No. 09-1102

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

This matter came before the Environmental Quality Council on a MOTION FOR CONTEMPT AGAINST ERIK MOLVAR AND REQUEST FOR STAY OF PROCEEDINGS filed by John Green (Green), General Partner Mineral Hill, L.P. on July 7, 2009. Erik Molvar (Molvar), Biodiversity Conservation Alliance, filed a response to the MOTION on July 7, 2009.

The Presiding Officer being fully advised in the premises hereby finds:

1. Green's July 7, 2009 Motion for Contempt and Stay of Proceedings alleges all proceedings in the above captioned matter should be dismissed because the Rare or Uncommon Petition filed on behalf of Friends of Sand Creek, Prairie Hills Audubon Society, Defenders of the Black Hills and Biodiversity Conservation Alliance was filed unsigned and filed by Molvar who is practicing law without a license. Green asks this Council to hold Molvar in contempt and to stay the proceedings before the Council.

2. Chapter 7, §6 of the Department of Environmental Quality's Rules (Rules) pertain to the designation of areas pursuant to Wyo. Stat. §35-11-112(a)(v) and states as follows:

Section 6. Initiation of Proceedings.

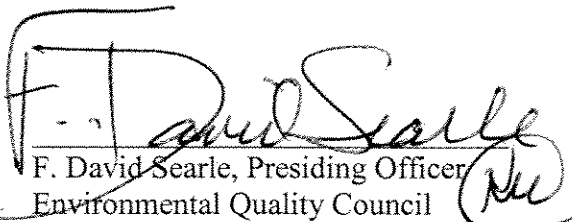
- (a) Any **person** may file a petition to designate lands as very rare or uncommon pursuant to W.S. §35-11-112(a)(v) or a petition to modify or terminate an existing designation. (Emphasis added).

3. The Rule continues with the 13 requirements which the Petition shall contain. There is no Rule or requirement that the Petition be signed or that only an attorney may file a Petition. In fact, the Rule is perfectly clear that any person may file a Petition to designate an area as rare or uncommon.

IT IS THEREFORE ORDERED THAT:

The Motion for Contempt Against Erik Molvar and Request for Stay of Proceedings is hereby denied.

DATED this 8th day of July, 2009.


F. David Searle, Presiding Officer
Environmental Quality Council

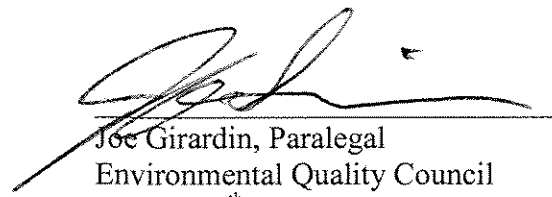
CERTIFICATE OF SERVICE

I, Joe Girardin, certify that at Cheyenne, Wyoming, on the 8th day of July, 2009, I served a copy of the foregoing **ORDER DENYING MOTION FOR CONTEMPT AGAINST ERIK MOLVAR AND REQUEST FOR STAY OF PROCEEDINGS** by electronic mail to the following:

Erik Molvar
Biodiversity Conservation Alliance
erik@voiceforthewild.org

also by postal mail and fax to the following:

John Green, General Partner
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