

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**  
JUL 08 2009  
Jim Ruby, Executive Secretary  
Environmental Quality Council

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

Docket No. 09-1102

**ORDER DENYING MOTION FOR A CONTINUANCE**

This matter came before the Environmental Quality Council upon a MOTION FOR CONTINUANCE filed by John Green (Green), General Partner Mineral Hill, L.P. on July 6, 2009. Erik Molvar (Molvar), Biodiversity Conservation Alliance, filed a response to the MOTION on July 7, 2009. Green filed a REPLY TO RESPONSE OF ERIK MOLVAR RE FAILURE TO GIVE PROPER NOTICE on July 8, 2009.

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

1. Green filed a Motion for Continuance in the above captioned matter alleging the Petitioner failed to give notice to “all the surface and mineral owners within one-half mile of the proposed area.”

2. In support of his motion, Green cites to Wyo. Stat. §35-11-112 as support that surface and mineral owners within one-half mile of the proposed area must be notified. Green’s reliance upon that statute is misplaced as the statute requires in pertinent part, “When areas of privately owned lands are to be considered for such designation, the council shall give notice to the record owner and hold hearing thereon . . .” Wyo. Stat. §35-11-112(a)(v).

3. The relevant rule pertaining to the notice requirements in this particular matter is found at the Department of Environmental Quality’s Rules, Chapter 7, §6(b) and states the following:

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 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).

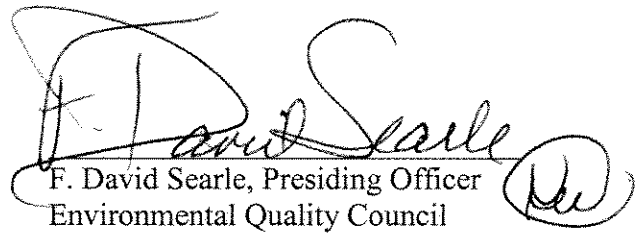
4. There is absolutely no legal requirement in either the relevant statutes or rules pertaining to the designation of rare or uncommon areas that notice must be given to all the surface and mineral owners within one-half mile of the proposed area.

Additionally, the "contiguous" provisions relied upon by Green do not pertain to this matter. The "contiguous" provision reflected in Chapter 7, §7(b)(iii) apply only if the Council decides to accept the Petition. At this stage of the proceedings, the Council has yet to consider whether or not to accept the Petition.

IT IS THEREFORE ORDERED THAT:

The Motion for a Continuance is hereby denied.

DATED this 8th day of July, 2009.

  
F. David Searle, Presiding Officer  
Environmental Quality Council

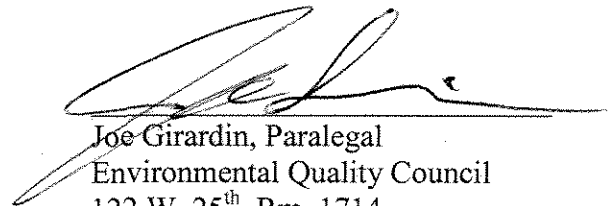
## CERTIFICATE OF SERVICE

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 A CONTINUANCE by electronic mail to the following:

Erik Molvar  
Biodiversity Conservation Alliance  
[erik@voiceforthewild.org](mailto:erik@voiceforthewild.org)

also by postal mail and fax to the following:

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