

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUL 17 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

A PETITION TO THE ENVIRONMENTAL)
QUALITY COUNCIL FOR DESIGNATION) DOCKET NO. 09-1102
OF AN AREA KNOWN AS SAND CREEK)
AS VERY RARE OR UNCOMMON)

ORDER DISMISSING AMENDED PETITION

THIS MATTER came before the Environmental Quality Council (Council) at a regularly scheduled Council meeting conducted in Sundance, Crook County, Wyoming on July 14, 2009. Notice of this meeting was afforded pursuant to the provision of Chapter VII, Section 6 of the Rules of Practice and Procedure of the Department of Environmental Quality. The purpose of this meeting was for the Council to review the amended petition filed by Biodiversity Conservation Alliance on May 26, 2009 to determine whether the petition provided the information required under Section 6 and that the information provided was sufficient to support the conclusion that the Sand Creek area may be designated as very rare or uncommon if the Council were to proceed, or should be dismissed.

Members of the Council present for the meeting included Chairman Dennis Boal, Presiding Officer F. David Searle, Council Secretary Thomas Coverdale, and Council members John Morris and Catherine Guschewsky. Council member Dr. Fred Ogden participated remotely by electronic means. Council Vice-Chair Tim Flitner was not present and did not participate. Ms. Deb Baumer of the Office of Administrative Hearings conducted the hearing, which began at approximately 9:15 a.m. The Council heard presentations for approximately one and one-half hours.

Following a presentation by the Petitioner, the submission of oral and written comments by a number of surface or mineral owners, the submission of comments from members of the public in support of the petition, the submission of comments from members of the public in opposition to it, and a responsive presentation by the Petitioner, the Council posed a number of questions to the Petitioner, other participants and to a representative of the U.S. Forest Service, the identified surface owner of the land Petitioner sought to be designated.

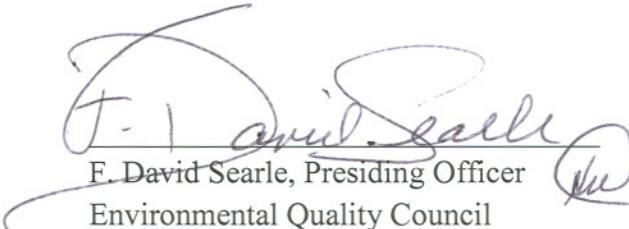
Among the questions raised by Councilors were the accuracy and adequacy of the maps and legal descriptions provided in the amended petition, what the views of the US Forest Service were with respect to a possible state designation of this area, whether watersheds had been taken into account when the boundaries of the proposed designation area were chosen by the

Petitioner, and whether current and historical uses of the land in the proposed area had been adequately described in the petition. This discussion continued for approximately 45 minutes.

The Council then deliberated publicly, and voted on whether to proceed with, or dismiss, the petition. Those in favor of proceeding with the petition included Chairman Dennis Boal and Council member Dr. Fred Ogden. Those opposed, on the grounds that the petition did not satisfactorily provide all the information required by Chapter VII, § 6(a)(i)-(xiii), included Hearing Officer F. David Searle, Council Secretary Thomas Coverdale, and Council members John Morris and Catherine Guschewsky.

IT IS THEREFORE ORDERED THAT the amended petition should be, and hereby is, dismissed in that it did not provide all of the information required by Chapter VII, § 6(a)(i)-(xiii).

SO ORDERED this 17th day of July, 2009.


F. David Searle, Presiding Officer
Environmental Quality Council
122 West 25th street, Rm. 1714
Herschler Building
Cheyenne, WY 82002

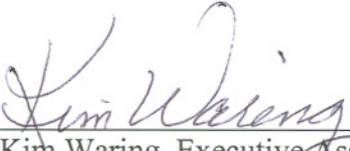
CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 17th day of July, 2009, I served a copy of the foregoing **ORDER DISMISSING AMENDED PETITION** 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
Mineral Hill, L.P.
P.O. Box 33010
Austin, TX 78764
FAX: 512-692-2936



Kim Waring, Executive Assistant
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134