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June 17, 2008

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Terri A. Lorenzon, Director
Environmental Quality Council

Environmental Quality Council
122 W. 25th St.
Herschler Bldg., Rm. 1714
Cheyenne, Wyoming 82002

RE: Docket No. 07-1102 Sand Creek

Dear Council Members:

The Wyoming Stock Growers Association (WSGA) has represented Wyoming's cattle industry for 137 years. Our over 1,000 members include many landowners in northeastern Wyoming who will potentially be affected by your decision in the above case.

As we have previously testified before this Council, we believe that your authority to designate Rare and Uncommon Areas is a powerful tool provided by the Wyoming legislature. The legislature's intent was that it be used, as its name implies, "rarely". An area that is "rare and uncommon" is not simply unique. Much of Wyoming is unique.

With this background, WSGA will address the reasons that we believe you should reject the petition filed in the above docket. As identified by the petitioner, the surface of the lands for which they are seeking designation is federal land under USFS jurisdiction. The underlying minerals are all federal minerals under BLM jurisdiction, although they contain valid mining claims.

First, given the above land and mineral ownership, the State of Wyoming has no legal authority over the management or protection of this area. A "Rare and Uncommon" designation by the Council would have no binding legal effect on future mining in the area. The state certainly has a strong interest in how the area is managed. That interest has been expressed through designation of Sand Creek as a Class I Water. This designation represents the only authority expressly delegated to the state on federal lands. In addition, the state can exercise its cooperating agency status in any USFS land use planning to assure that the state's interests in wildlife habitat and recreation are protected.

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Second, in view of this lack of legal authority, WSGA is driven to ask, "What is the motive of the proponents in seeking designation by the Council?" We believe that the answer is found by looking back at the actions that have followed your previous designation of adobe town as rare and Uncommon. Almost before the ink had dried on the Council's decision, the petitioners in that case were using the designation as a platform for greater federal protection of the area from oil and gas development. WSGA fully anticipates that at some future time the Rare and Uncommon designation will be called upon in support of restrictions on livestock grazing in the area. We would expect a similar outcome should you designate Sand Creek as Rare and Uncommon.

In summary, given the extensive responsibilities of the Council, your time should not be taken up in consideration of a petition that will have no binding legal effect on the land petitioned and that will simply become a tool for some advocates of greater federal protections. WSGA urges the Council to reject the petition filed in this case.

Sincerely,

A handwritten signature in black ink that reads "Jim Magagna". The signature is written in a cursive, flowing style.

Jim Magagna
Executive Vice President