

FILED

FEB 01 2007

Terri A. Lorenzon, Director
Environmental Quality Council

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

WYOMING OUTDOOR COUNCIL,)

Petitioner,)

v.)

WYOMING DEPARTMENT OF)
ENVIRONMENTAL QUALITY, WATER)
QUALITY DIVISION,)

Respondent.)

**Docket Numbers
06-3816 & 06-3817**

**WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S
MOTION TO CONSOLIDATE CASES**

Wyoming Department of Environmental Quality (DEQ), through counsel, pursuant to Chapter II, Section 14 of the DEQ Rules of Practice and Procedure and Rule 42(a) of the Wyoming Rules of Civil Procedure, moves the Wyoming Environmental Quality Council (EQC or Council) to consolidate the cases in Docket Nos. 06-3816 and 06-3817 on the following grounds:

1. On or about November 9, 2006, the Wyoming Outdoor Council (WOC) filed two separate Petitions for Review contesting DEQ's issuance of the Pumpkin Creek and Willow Creek Watershed General Permits, respectively.

2. Both WOC Petitions present for review identical issues of law and issues of fact which are common or identical, and request the same relief.

3. WOC and the DEQ are the only two parties in each of these contested cases.
4. Chapter II, Section 14 of the DEQ Rules of Practice and Procedure makes the Wyoming Rules of Civil Procedure applicable to matters before the Council.
5. Rule 42(a) of the Wyoming Rules of Civil Procedure provides that when actions involving common questions of law or fact are pending before the court (or Council), it may order a joint hearing on any or all the matters in issue in the actions, and it may order all the actions consolidated to avoid unnecessary costs or delay.
6. Consolidating these two cases, which involve the same two parties and common or identical questions of law and fact and which request the same relief, will avoid unnecessary costs and delay by eliminating the need for separate filing of duplicative pleadings and motions and separate hearing schedules.
7. Consolidating these two cases will not cause avoidable delay.

WHEREFORE Respondent DEQ respectfully requests that the Council order the cases in Docket Nos. 06-3816 and 06-3817 be consolidated.

Submitted this 1st day of February, 2007.




Mike Barrash
Senior Assistant Attorney General
Wyoming Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
Telephone: 307-777-6946

CERTIFICATE OF SERVICE

The undersigned certifies that on this 1st day of February, 2007, a true and correct copy of the foregoing WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY'S MOTION TO CONSOLIDATE CASES was served by United States Mail, first class postage prepaid, and by facsimile transmission and/or e-mail, in PDF format addressed as follows:

Steve Jones
Watershed Protection Program Attorney
Wyoming Outdoor Council
262 Lincoln Street
Lander, WY 82520
Fax: 307-332-6899
steve@wyomingoutdoorcouncil.org

and was delivered via e-mail, in PDF format, to the Wyoming Environmental Quality Council, Herschler Building, 1st Floor West, Cheyenne, WY 82002, KMCGEE@state.wy.us.



Wyoming Attorney General's Office