

FILED

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Terri A. Lorenzon, Director
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE APPEAL)
OF THE COPPERLEAF CHAPTER 23) DOCKET NO. 05-3805
SUBDIVISION APPLICATION, #05-S-052)

**MOTION TO INTERVENE BY
WORTHINGTON GROUP OF WYOMING, LLC
AS DEVELOPER OF THE COPPERLEAF SUBDIVISION**

COMES NOW Worthington Group of Wyoming, LLC, developer of the Copperleaf Subdivision in Park County, by and through its counsel, Laurence W. Stinson, of Bonner Stinson, P.C. and hereby files this Motion For Intervention as a matter of right in the above-captioned matter. In support of this Motion, the Environmental Quality Council is advised as follows:

1. The matter pending before the Council are permits issued to the Copperleaf Subdivision relative to a Subdivision Application.

2. Development of the Subdivision depends on securing permits and approval of an adequate water supply. Permits have been issued by the State Engineer's Office. Were the permits to be remanded, revoked or altered, the development of Copperleaf Subdivision could be negatively and permanently impacted.

3. Wyoming Rule of Civil Procedure 24, Intervention, states that upon timely application anyone shall be permitted to intervene in an action when the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the

action may as a practical matter impair or impede the applicants ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

4. Because the disposition of this matter directly relates to a property right of the applicant, and because the disposition of this action could impair or impede the applicant's ability to protect that interest, the Worthington Group of Wyoming, LLC, as developer of the Copperleaf Subdivision, requests permission to participate in briefing and argument, and all other aspects, of the matter pending before the Wyoming Environmental Quality Council.

5. Pursuant to the Rules of Practice and Procedure applicable to hearings in contested cases, chapter 2, section 7, Intervention, any person interested . . . in the determination of a proceeding relating to other than surface coal mining operations pending before the Council may petition for leave to intervene in such a proceeding prior to or at the date of hearing, but to thereafter except for good cause shown. The petition shall set forth the grounds of the proposed intervention, the position and the interest of the petitioner in the proceeding, and if affirmative relief is sought, the same should conform to the requirements for a formal petition.

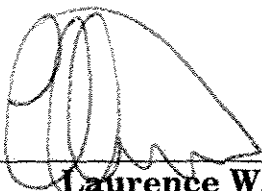
6. The requirements, under the Rules of Practice for the Department Of Environmental Quality are similar in nature to Rule 24 of the Wyoming Rules of Civil Procedure. Under either rule, the proposed intervener must show an interest in the outcome of the proceeding. Additionally, the Department of Environmental Quality rules adopt the Rules of Civil Procedure.

7. Although permits were issued by the State Engineer's Office, that does not necessarily mean that the interest of Petitioner and the Department Of Environmental Quality are aligned. The DEQ must still issue an approval of an

adequate water supply. Petitioner's interest is in development of the property, pursuant to standards set forth by the Department of Environmental Quality and the zoning regulations and development standards of Park County. The DEQ is interested only in ensuring that process was followed and not in the actual outcome. In other words, the Department Of Environmental Quality is not charged with advancing the interest of Petitioner in this matter. Therefore, it is necessary for Petitioner to have status as an intervener in order to advance its own interest and right in the permits.

Petitioner Worthington Group of Wyoming, LLC respectfully submits that it has shown a significant interest in the outcome of the proceeding and seeks an order from the Environmental Quality Council allowing it to participate as a party herein. Petitioner further requests a briefing schedule for submissions in support of the decision of the Department Of Environmental Quality to issue permits to Petitioner.

DATED this 8th day of February, 2006.



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