

FILED

MAY 10 2006

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
OF THE STATE OF WYOMING

IN THE MATTER OF THE APPEAL)
OF THE COPPERLEAF CHAPTER 23)
SUBDIVISION APPLICATION, #05-S-052)

Terri A. Lorenzon, Director
Environmental Quality Council
Docket No. 05-3805

PETITIONERS' MOTION TO WITHDRAW PETITION FOR REVIEW
/REQUEST FOR HEARING WITHOUT PREJUDICE

COMES NOW the Northfork Citizens for Responsible Development, and David Jamison (hereafter collectively referred to as "Northfork Group"), by and through their undersigned attorneys of record and hereby moves to withdraw its Petition For Review/Request For Hearing Without Prejudice, as docketed above. The reasons for Petitioner's motion at this time are as follows:

1. Petitioner appealed the Wyoming Department of Environmental Quality ("DEQ") decision letter of October 28, 2005 regarding the Copperleaf Subdivision Application. In this appeal Petitioner maintained that said DEQ decision letter fixed a legal relationship as a consummation of the administrative process and thus was a final appealable decision.

2. Central to the finality of the DEQ October 28, 2005 decision letter was Petitioner's good faith believe that the Special Use Permit ("SUP") issued to the Developers of the Copperleaf Subdivision, by the Park County Board of Commissioners, was also a final appealable decision. Park County zoning regulations expressly state that an SUP decision is, in fact, a final administrative decision. See Park County Zoning Reg. ZR-4-400, Figure 4-A Step 9B, p.4-8.

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3. Concurrent with this appeal, Petitioner had appealed the Park County decision granting the Copperleaf SUP and the matter was pending before the Wyoming Supreme Court.

4. By Order dated, May 3, 2006, but only received by Petitioner today at 2:42 P.M., via facsimilie, the Wyoming Supreme Court Dismissed Petitioner's appeal of the Copperleaf SUP as not being final agency action. A copy of the faxed copy of the Court Order is attached hereto.

5. As a consequence of the Wyoming Supreme Court's determination, the grounds for Petitioner's appeal in this matter no longer exist.

WHEREFORE, Petitioner requests that the Council allow Petitioner to withdraw the underlying Petition For Review/Request For Hearing in this case without prejudice and to vacate the hearing set on this matter for May 11, 2006 before the Council.

Respectfully submitted this 10th day of May, 2006.

Counsel for Petitioners


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CERTIFICATE OF SERVICE

Terri A. Lorenzon, Director
Environmental Quality Council

I, Debra J. Wendtland, attorney for the Petitioners, in the above entitled and numbered cause do hereby certify that on the 10th day of May, 2006 I caused a true and correct copy of PETITIONERS' MOTION TO WITHDRAW PETITION FOR REVIEW/REQUEST FOR HEARING WITHOUT PREJUDICE to be served via facsimile and first class mail as follows:

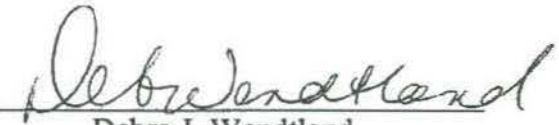
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