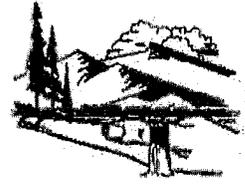


Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matthew H. Mead, Governor

John Corra, Director

August 29, 2011

Mr. Matt Micheli
Corporate Counsel
Luca Technologies
500 Corporate Circle, Ste. C
Golden, CO 80401

Re: Trade secrets

Dear Mr. Micheli:

Luca Technologies, Inc. (Luca) and/or Patriot Energy Resources LLC, a Luca Technologies, Inc. Company, (Patriot) have submitted documents to the Wyoming Department of Environmental Quality (DEQ) regarding UIC permits for Luca's South Kitty Well Field (South Kitty) project and Patriot's Rough Draw project. Luca, by a series of separate emails, has requested that DEQ treat certain of the South Kitty documents or portions thereof as confidential because they contain information that is proprietary or involves trade secrets. Luca/Patriot, by letter dated May 25, 2011, has requested advance confirmation that DEQ would treat certain Rough Draw information (submitted subsequently) confidential for the same reason. It is DEQ's understanding from Luca's emails and the May 25, 2011 Patriot letter and subsequent "confidential" submittal that the four (4) particular documents Luca/Patriot requests be kept confidential are:

- 1) "SKWAU Restoration Information May 2011.pdf";
- 2) "SKWAU organics samples [M]ay 2011.pdf";
- 3) Patriot's "Nutrient Amendment Packages" information referenced in Patriot's May 25, 2011 letter and in an email from Matt Micheli to John Passehl dated August 23, 2011; and
- 4) The original "BLM Report" discussed in an April 29, 2011 email from Mr. Roland DeBruyn (this report was subsequently re-submitted with the "confidential" information removed).

Based on the representations by Luca/Patriot in these requests, it appears that items 1, 3 and 4 above contain information that constitutes trade secrets.

The DEQ has also received a request from the Powder River Basin Resource Council (PRBRC) dated July 26, 2011 for inspection of:

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ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7758 FAX 777-5884	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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1) Any documents, including electronic documents, DEQ has in its possession that lists or explains what chemicals are proposed to be injected through Luca Technologies/Patriot Energy's Rough Draw project (UIC Class V permit pending with DEQ) or the South Kitty Field project (UIC Class V permit issued by DEQ); and

2) MSDS sheets in DEQ's possession related to chemicals that are proposed to be injected through the Rough Draw or South Kitty projects.

DEQ will wait fifteen (15) days before releasing item 2 (the "SKWAU organics samples [M]ay 2011.pdf") to give Luca an opportunity to seek a protective order, injunction or other judicial remedy, if it elects to do so.

In the future, "trade secret" confidentiality requests, need to be submitted in a single written letter, rather than a string of separate emails, that:

a) Identifies each individual document or specific portion(s) thereof that is claimed to warrant confidentiality to prevent disclosure of "trade secrets;" and

b) Explains why each entire document or particular portion(s) thereof constitutes "trade secrets" based on the definition of "trade secrets" in W.S. § 40-24-101 and the criteria listed in 40 C.F.R. §2.208.

To the extent it appears that the documents do constitute "trade secrets," a person requesting disclosure can seek a court order compelling disclosure. To the extent it does not appear that the documents constitute "trade secrets," DEQ will wait fifteen (15) days before releasing them to give the submitter an opportunity to seek a protective order, injunction or other judicial remedy, if it elects to do so. In either event, DEQ would not oppose intervention by the other party.

Sincerely,



John V. Corra
Director

JVC/JFW/rm/11-0783

cc: Shannon Anderson, PRBRC, 934 Main St, Sheridan, WY 82801
Mike Barrash, WY AG's Office - Cheyenne
John Wagner, WQD - Cheyenne
John Passehl, WQD - Cheyenne
Kevin Frederick, WQD - Cheyenne