

FILED

APR 23 2009

*Jim Ruby, Executive Secretary
Environmental Quality Council*

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

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF) DOCKET NO. 09-4802
2 M CONSTRUCTION INC.)
TFN 5 6/053)

PRE-HEARING DISCLOSURES

2 M Construction Inc., pursuant to the Environmental Quality Council's Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

SUMMATION OF THE FACTS

2 M Construction Inc. filed its mine application with the Division, mine permit application number TFN 5 6/053. After proper notification that 2 M's application was complete, interested parties timely filed objections to the permit with the Division. The objections generally identify nuisance issues such as dust, noise, and truck traffic. The Division has determined that the application is complete, in full compliance with Wyoming Law and is ready to issue the permit.

LEGAL ISSUE

Is 2 M's permit application complete and should the DEQ issue 2 M a permit to mine pursuant to WYO. STAT. ANN. s 35-11-406?

WITNESSES

WILL CALL:

Michael W. Cunningham, President and Owner, 2 M Construction Inc.
Michael S. Thornley, Vice-President and Owner, 2 M Construction Inc.
PO Box 1298
Riverton, WY 82501
(307) 856-7013

Mr. Cunningham and Mr. Thornley are the Owners of 2 M Construction Inc. They are in charge of all operations at the proposed mine site detailed in the permit application. They are expected to testify regarding all matters contained within the permit including nuisance concerns, hours and season of operation, traffic patterns, access to the site and the effect on surrounding properties.

MAY CALL:

Raymond A. Good
35 Bryant Road
Riverton, WY 82501
(307)856-8267

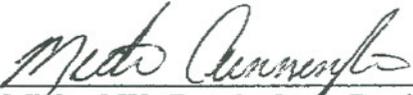
Mr. Good is the landowner for the permit area. He may testify to matters of the property including access, pre-mining and post mining use.

2 M Construction Inc. may call any witness listed by the objectors in the above-captioned matter. In addition, 2 M Construction Inc. may call any witness needed for rebuttal testimony.

EXHIBITS

2 M Construction Inc.'s Exhibit 1: 2 M Construction Inc. permit application.

DATED this 23rd day of April 2009.


Michael W. Cunningham, President
2 M Construction Inc.
PO Box 1298
Riverton, WY 82501
307-856-7013

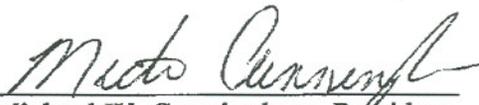
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures was served by mailing the same to the following on the 23rd day of April, 2009:

Lloyd C. & Nancy S. Eckstein
20 Gardens North Drive
Riverton, WY 82501

Ed Fowler
PO Box 1519
Riverton, WY 82501

Eric J. Anderson
136 Honor Farm Road
Riverton, WY 82501


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