

FILED

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL APR 24 2009
STATE OF WYOMING**

**Jim Ruby, Executive Secretary
Environmental Quality Council**

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

PRE-HEARING DISCLOSURES

The Department of Environmental Quality, Land Quality Division ("Division"), through the Office of the Attorney General, pursuant to the Environmental Quality Council's ("Council") Notice of Hearing and Order, hereby submits its Pre-Hearing Disclosures.

SUMMATION OF THE FACTS

2M Construction ("2M") filed its small mine application with the Division, small mine permit application number TFN 5 6/053. After proper notification that 2M's application was complete, interested parties timely filed objections to the permit with the Division. The objections fail to identify any issue that falls within the Council's jurisdiction. The Division has determined that the application is complete and is in full compliance with Wyoming Law. The Division is ready to issue the permit.

LEGAL ISSUE

Is 2M's permit application complete and should the DEQ issue 2M a permit to mine pursuant to WYO. STAT. ANN. § 35-11-406 (West 2008)?

WITNESSES

WILL CALL:

Steve Platt
Senior Environmental Analyst
Department of Environmental Quality
Lander Field Office
Land Quality Division
510 Meadowview Drive
Lander, Wyoming 82520
307-332-3047

Mr. Platt is in charge of the oversight and review of 2M's permit application, TFN 5 6/053. He is expected to testify regarding all matters contained within the permit application, including nuisance concerns. In addition, Mr. Platt will testify regarding general permit application requirements and whether 2M's permit application is in compliance with the requirements of Wyoming law.

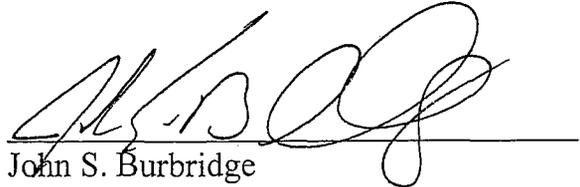
MAY CALL:

The Division may call any witness listed by the objectors in the above-captioned matter. In addition, the Division may call any witness needed for rebuttal testimony.

EXHIBITS

State's Exhibit 1: 2M's permit application.

DATED this 24th day of April, 2009.



John S. Burbridge
Senior Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82001
307-777-7823

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures was served by placing the same in the United States mail, postage prepaid, this 24th day of April 2009, to the following:

Michael Cunningham
2M Construction, Inc.
P.O. Box 1298
Riverton, Wyoming 82501

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

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

Ed Fowler
Willow Bow Ranch
P.O. Box 1519
Riverton, WY 82501



Wyoming Attorney General's Office