

**FILED**

**AUG 25 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. 09-4804  
2M CONSTRUCTION, TFN 5 6/053 )**

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**PRE-HEARING DISCLOSURES**

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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 include safety, archeological, wildlife and nuisance concerns. 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 issues raised by Lloyd and Nancy Eckstein such as safety, archeological, wildlife and 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.

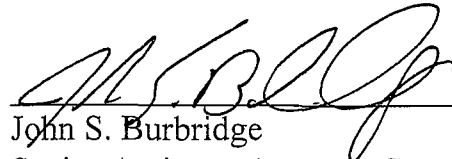
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**EXHIBITS**

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

State's Exhibit 2: Supplemental documentation regarding notice issues.

DATED this 25<sup>th</sup> day of August, 2009.

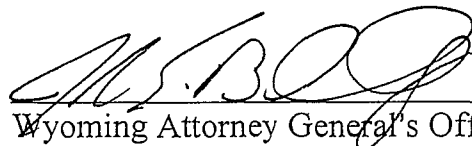
  
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John S. Burbridge  
Senior Assistant Attorney General  
123 Capitol Building  
Cheyenne, Wyoming 82001  
307-777-7823

**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 25<sup>th</sup> day of August 2009, to the following:

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

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

  
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Wyoming Attorney General's Office