

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

APR 24 2009

IN THE MATTER OF THE OBJECTION)
TO THE SMALL MINE PERMIT OF)
EVANS CONSTRUCTION COMPANY,)
TFN 2 6/302)

Jim Ruby, Executive Secretary
Environmental Quality Council
DOCKET NO. 09-4801

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

Evans Construction Company ("Evans") filed its small mine application with the Division, small mine permit application number TFN 2 6/302. After proper notification that Evans' application was complete, interested parties timely filed objections to the permit with the Division. The objections present issued pertaining to the length of Evans' mining operation and noise coming from the mine site. The Division has determined that the application is complete and in full compliance with Wyoming Law. The Division is ready to issue the permit.

LEGAL ISSUE

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

WITNESSES

WILL CALL:

John Erickson
Assistant Supervisor
Department of Environmental Quality
Land Quality Division
Lander Field Office
510 Meadowview Drive
Lander, Wyoming 82520
307-332-3047

Mr. Erickson is in charge of the oversight and review of Evans' permit application, TFN 2 6/302. He is expected to testify regarding all matters contained within the permit application, including nuisance concerns. In addition, Mr. Erickson will testify regarding general permit application requirements and whether Evans' permit application is in compliance with the requirements of Wyoming law.

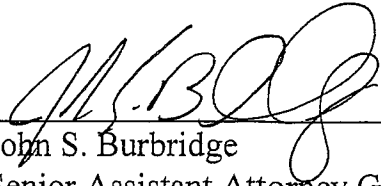
MAY CALL:

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: Evans' 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

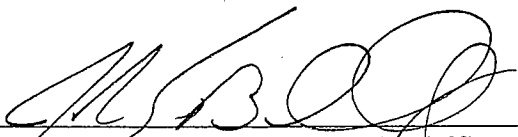
The undersigned hereby certifies that a true and correct copy of the Pre-Hearing Disclosures was served by placing the same in the United States mail, postage prepaid, this 24th day of April 2009, to the following:

Evans Construction Company
P.O. Box 4309
Jackson, Wyoming 83001

Eleanor Onyon
1900 Iron Lane
Wilson, Wyoming 83014

Harold and Linda Williams
1820 Moose Wilson Road
Wilson, Wyoming 83014

Julie T. Obering
Kindred LLC
c/o One DCT
5251 DTC Parkway, Suite 425
Greenwood Village, Colorado 80111



Wyoming Attorney General's Office