

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE OBJECTION )  
TO THE SMALL MINE PERMIT OF ) Docket No. 09-48016  
EVANS CONSTRUCTION COMPANY )  
TFN 3 6/302 )

EVANS CONSTRUCTION COMPANY PREHEARING DISCLOSURES

NOW COMES Evans Construction Company, (“Evans Construction”), applicant for the small mine permit at issue and, pursuant to the Notice of Hearing and Order dated April 21, 2009, submits the following Prehearing Disclosures.

WITNESSES

1. Lane Bybee, President Evans Construction Company, PO Box 4309, 7255 South US Highway 89, Jackson, WY 83001; telephone number 307-733-3029. Mr. Bybee’s testimony will address the history of the facility and its operation as it pertains to the small mining permit, the permit application and the special use permits for the facility.
2. Other witnesses listed by other parties.
3. Other persons necessary for rebuttal or impeachment.

PROPOSED EXHIBITS

1. River Springs facility mining area map
2. Permit application dated July 2, 2008.
3. Application completeness letter dated October 17, 2008.
4. Special use permit SUP 04-0001 from Teton County dated November 1, 2007
5. Special use permit SUP 96-0001 from Teton County dated July 15, 1996

6. Notice of suitability for publication under subsection (j) of Wyo. Stat. 35-11-406 dated February 19, 2009

7. Any other exhibits needed for purposes of rebuttal or impeachment.

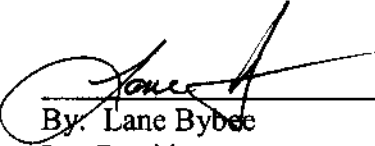
#### SUMMATION OF FACTS AND LEGAL ISSUES

Evans Construction Company applied for a Small Mine Permit for a property referred to as the River Springs Facility via application dated July 2, 2008. The facility is located in Teton County and is subject to special use permits issued by the Teton County Commissioners. The application was determined to be complete by the Department of Environmental Quality Division of Land Quality (“DEQ”) on October 17, 2008. The application was deemed to be suitable for publication per statute on February 19, 2009. Evans Construction published notice per statutory requirements. Three letters were received which were deemed by DEQ to be objections to the issuance of the permit.

The legal issue in this case is whether the Department of Environmental Quality complied with the requirements of Wyoming Statute 35-11-406 in determining the permit should be granted. As set forth in Wyo. Stat. 35-11-406(m), the permit shall not be denied except for the reasons set forth therein. Based upon the letters submitted, Evans Construction believes the objections to be that the area should be for residential use only, that the permit is purportedly unlimited in time, and possibly noise. The issues are expected to be further clarified and/or limited during the prehearing conference.

This 27th day of April, 2009.

Evans Construction Company



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By: Lane Bybee  
Its: President

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Fax – 307-733-8313  
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CERTIFICATE OF SERVICE

I, Jill Callaco, certify that at Jackson, Wyoming, on the 27<sup>th</sup> day of April, 2009, I served a copy of the foregoing EVANS CONSTRUCTION COMPANY PREHEARING DISCLOSURES by electronic mail to the following:

John Burbridge  
Asst. Attorney General  
Jburbl@state.wy.us

Don McKenzie, LQD  
Administrator  
dmcken@wyo.gov

Kim Waring, Executive Assistant  
Environmental Quality Council  
kwarin@wyo.gov

and by depositing copies of the same in the Federal Express delivery system, postage prepaid,

duly enveloped and addressed to:

Julie T. Obering  
c/o One DTC  
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Greenwood Village, CO 80111

Eleanor Onyon  
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Wilson, WY 83014

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