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

**IN THE MATTER OF THE OBJECTION            )**  
**TO THE SMALL MINE PERMIT OF            )**       **Docket No. 09-4801**  
**EVANS CONSTRUCTION COMPANY            )**  
**TFN 3 6/302                                    )**

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**OBJECTORS' PRE-HEARING BRIEF**

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**COMES NOW** Julie T. Obering, Kindred LLC, and Linda and Harold Williams, and by and through their undersigned counsel, The Richard Law Firm P.C., and hereby file their pre-hearing disclosure as follows:

The objectors have previously filed a motion to continue on the basis that there is not sufficient notice of this hearing and not sufficient time to marshal witnesses and evidence for the same. The Hearing Officer has denied the Motion to Continue. Nevertheless, the Objectors re-new their objection and concern about the hearing being scheduled without sufficient notice.

**Witnesses**

Kurk Rooney, Mr. Rooney will testify regarding the objections and concerns regarding the Evans gravel mining operation.

## **Exhibits**

Exhibit 8. Objections Submitted March 14, 2009, from Harold “Butch” and Linda Williams.

Exhibit 9. April 2, 2007, Letter to Planning Department from Julie Obering.

Exhibit 11. Saturday, March 14<sup>th</sup> Letter to the Commissioners from Harold “Butch” and Linda Williams.

The Objectors investigation is on-going and we reserve the right to add additional documents regarding potential violations from the operation if the same are located.

### **Stipulation Regarding Provisions of Section 406.**

The Objectors hereby stipulate that the following provisions of Wyo. Stat. 35-11-406(m) subsection (ii),(vi),(ix), subsections (xii) through (xiv).

- The Objectors will be contending based on their prior objections and correspondence that pursuant to 35-11-406(m)(i), the application is not complete because it has not adequately studied the environmental impacts of the operation.
- (m)(iii) – The gravel pit mining operation including future use is contrary to the laws of Teton County, Wyoming and the Land Development Regulations.
- (m)(iv) – The proposed mining operation will irreparably harm, destroy and materially impair a sensitive wildlife botanical and scenic area with scenic value.
- (m)(v) – The proposed mining operating will cause pollution of waters in violation of the law of Wyoming.
- (m)(vi) – The Objectors are investigating whether the applicant has faced action based on its permit previously.

- (m)(vii) – The operation constitutes a public nuisance and endangers the public health and safety.
- (m)(viii) – The affected land lies within 300 Hundred Feet of public homes and parks.
- (m)(x) – The objectors have filed written objections for the above reasons.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of April, 2009.

THE RICHARD LAW FIRM, P.C.



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*Attorneys for Objectors*

**CERTIFICATE OF SERVICE**

This is to certify that on this 29<sup>th</sup> day of April, 2009, a true and correct copy of this **OBJECTORS PRE-HEARING BRIEF** was served on the following via electronic mail:

John Burbridge  
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