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January 8, 2009

Harriet M. Hageman
Hageman & Brighton, P.C.
222 East 21st Street
Cheyenne, Wyoming 82001

Bart Myers
Planning Director
County of Sublette
P.O. Box 506
21 S. Tyler
Pinedale, Wyoming 82941

Re: McMurry Ready Mix Bousman Pit Operations

Dear Ms. Hageman and Mr. Myers:

Thank you for your letters dated December 29, 2008 and January 5, 2009 respectively. For your reference, copies those letters are attached hereto.


Mrs. Hageman, while I appreciate your reassurances, the Goodwins most certainly do not agree with your statement that McMurray Ready Mix "has been and continues to be in compliance with Wyoming law, the permits that have been issued by the State of Wyoming and by the Conditional Use Permit issued by the Sublette County Board of County Commissioners." Actual hours of operation at the pit have exceeded those permitted by the Conditional Use Permit. Crushing operations and truck movements through the area have occurred before and after daylight hours. Furthermore, as documented by the DEQ's Jennifer Frazier in a November 20, 2008 memo report, excessive dust emanates from the facility during crushing and loading operations and dust suppression efforts have been inadequate. If you require a copy of Ms. Frazier's report, please let me know.

Mr. Myers, I must disagree with your assessment that truck traffic to and from the pit is not subject to the restricted hours of operation permitted by the Conditional Use Permit. Obviously, gravel hauling and transportation is an indispensable part of pit operations. The hours of operation restrictions are clearly intended to minimize the disruption to neighboring property owners, and should properly be read to impose restrictions on truck traffic to and from the site as well.

In any event, whether regulated by the Conditional Use Permit or not, the truck movements are a direct result of pit operations. The imposition, in terms of noise and dust, that these vehicle movements are causing the Goodwins and their neighbors constitutes a nuisance. As I have cautioned, the Goodwins will not hesitate to take legal action if necessary to abate this nuisance.

The winter snows have now mercifully quieted operations at the McMurray Bousman pit. I would like to take this opportunity to invite you both to engage in a meaningful discussion of alternative routes that trucks traveling to the pit could take, if required to do so. Designated truck travel routes would greatly minimize the adverse impacts on the Goodwins and their neighbors. That, coupled with compliance with the hours of operation and other restrictions in the conditional use permit would go a long way toward achieving peace in the neighborhood. Please contact me to arrange a meeting or telephone conference at which we can discuss this alternative route.

Sincerely,



Mark D. Sullivan