

Memorandum

**To:** 487ET, George's Excavation

**From:** Bill Hogg

**Date:** April 20, 2007

**Subject:** Background Information and Chronology for Bond Forfeiture Action

HISTORY

Authorization for a Limited Mining Operation of one acre was issued to George M. Allen on September 22, 1983. The authorization was modified to a maximum disturbance of 10 acres on July 16, 1998. The surface owner of the 487ET permitted area is River Meadows, Inc. The bond held by LQD for the reclamation of the disturbance is \$8,400.00. The operation was last inspected on July 17, 2006. The Limited Mining Operation is located eight miles south of Saratoga at the junction of State roads 130 and 230. The legal description is the NW1/4SW1/4 Section 16, Township 16 North, Range 83 West & the NE1/4SE1/4 Section 17, Township 16 North, Range 83 West.

Sand and gravel is listed as the mineral to be mined. It is expected that the disturbance that will require seeding will be larger than 10 acres. The disturbance has been graded to LQD requirements previously. The disturbance was seeded in 2003 but the lack of topsoil and the drought has hindered all vegetation seeding. The bond is felt to be adequate to reseed the reclamation area with a drill seeder.

The area where this Limited Mining Operation is located was mined previously by the Wyoming Department of Transportation (WDOT).

**Chronology of Events**

April 4, 2007 The Rawlins National Bank letter informed LQD that the George's letter of Credit would not be renewed.

April 9, 2007 LQD notified the Rawlins National Bank that the Division would be presenting the letter of credit for payment on June 8, 2007 if a replacement bond was in place at that time.

April 12, 2007 LQD received a call from Winifred Allen, Mrs. George Allen, who had received her copy of the LQD letter dated April 9, 2007. Mrs. Allen informed LQD that George had passed away last winter and she did not have the means to complete the reclamation or keep paying for the letter of credit. She was asked if she would sign a voluntary bond forfeiture agreement. She stated that she would and that she just wanted out of any responsibility concerning her husband's business.

487ET, George's Excavation  
April 20, 2007  
Page 2

April 17, 2007 I meet with Mrs. Allen and went to the Rawlins National Bank, Saratoga Branch, where she signed and the Forfeiture agreement was notarized.

**McKenzie, Don**

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**From:** Brosius, Becky  
**Sent:** Friday, July 11, 2008 2:48 PM  
**To:** McKenzie, Don  
**Subject:** NOV for George's Excavation

Don,

The green card for the above NOV was signed for on 6/17/08. I missed getting this information to you – sorry about that.

Becky



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

July 28, 2006

Mr. George Allen  
George's Excavation  
P.O. Box 231  
Saratoga, WY 82331

7-19-06  
jzk

**RE: Permit 487ET, George's Excavation,  
2006 Annual Report Inspection/Review**

Dear Mr. Allen:

Attached is a copy of the above referenced report. I conducted this inspection on July 17, 2006. No compliance problems were noted during this inspection. Vegetation has not established to LQD standards. The Wyoming Environmental Quality Act, 35-11-415(b)(viii), requires the operator to "Replace native or superior self regenerating vegetation on land affected." LQD will inspect the vegetation establishment after the second growing season in June of 2007.

Please feel free to contact me at 307-777-7057 if you have question regarding this report or letter.

Sincerely,

*Bill Hogg*  
Bill Hogg  
Land Quality Division

Attachment: Report

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002 • <http://deg.state.wy.us>

ADMIN/OUTREACH  
(307) 777-7758  
FAX 777-3610

ABANDONED MINES  
(307) 777-6145  
FAX 777-6482

AIR QUALITY  
(307) 777-7391  
FAX 777-5816

INDUSTRIAL SITING  
(307) 777-7368  
FAX 777-6937

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973





## Annual Inspection Report

**COMPANY:** George's Excavation, Permit No. 487ET  
**INSPECTOR:** Bill Hogg, Land Quality Division (LQD) BH  
**DATE OF INSPECTION:** July 17, 2006  
**FIELD CONDITION:** Dry and hot  
**DATE OF REPORT:** July 21, 2006

### I. General Discussion and Annual Report Review

#### HISTORY

Authorization for a Limited Mining Operation of one acre was issued to George M. Allen on September 22, 1983. The authorization was modified to a maximum disturbance of 10 acres on July 16, 1998. The surface owner of the 487ET permitted area is River Meadows, Inc. The bond held by LQD for the reclamation of the disturbance is \$3,400.00. The operation was last inspected on July 19, 2005. The Limited Mining Operation is located eight miles south of Saratoga at the junction of State roads 130 and 230. The Limited Mining Operation was last GPS surveyed during the 1999 inspection.

#### INTRODUCTION

LQD received the 2004-2005 Annual Report (AR) on August 11, 2005 and the report covers the time period from September 22, 2004 through September 21, 2005. This report indicates that the mine was reclaimed in May of 2005.

- No disturbance occurred during the report period and the total disturbance was reclaimed.
- The operator has submitted soil sampling details, fertilizer data that was used and the seed mix that was used.. The operator used the soil samples to determine what seed mix and fertilizer should be used to ensure re-vegetation. The report indicates that inter-seeding was completed on May 24, 2005.

### II Field Inspection

- A. The permit identification sign was in place at the time of the inspection.
- B. Access to the Limited Mining Operation is from the east side of Highway 230. The access road serves two Limited Mining Operations, 487ET and Saratoga Corporation, 585ET. The 585ET is on the west end of the disturbed area and you must pass through it to reach the 487ET operation.

- C. The site was not active at the time of the inspection. All stockpiles and equipment have been removed from the permit area. Drill rows from the latest seeding were noted (See photo #1). The topsoil that was available was replaced on the south end of the disturbance and vegetation establishment was notably better in this area (See photo #2).
- D. Some areas within the 487ET permit area were disturbed prior to the permitting of this Limited Mining Operation in 1983. Topsoil was not salvaged during the prior mining and is not available for reclamation use. The lack of topsoil and the method of seeding, broadcast seeding on compacted spoil, may require several years before vegetation will establish to LQD standards and bond release can be granted.
- E. Runoff from the disturbed lands is controlled by the pit. Some erosion was noted on the entry road that services both 487ET and 558ET.
- F. The disturbance is very close to or may have exceeded the maximum 10 acres allowed in a Limited Mining Operation. The Limited Mining Operation was GPS surveyed during the 1999 inspection at 16.5 acres. The 16.5 acres included some native areas and common areas (Marked in green on 1999 GPS maps) between the 585ET permit.

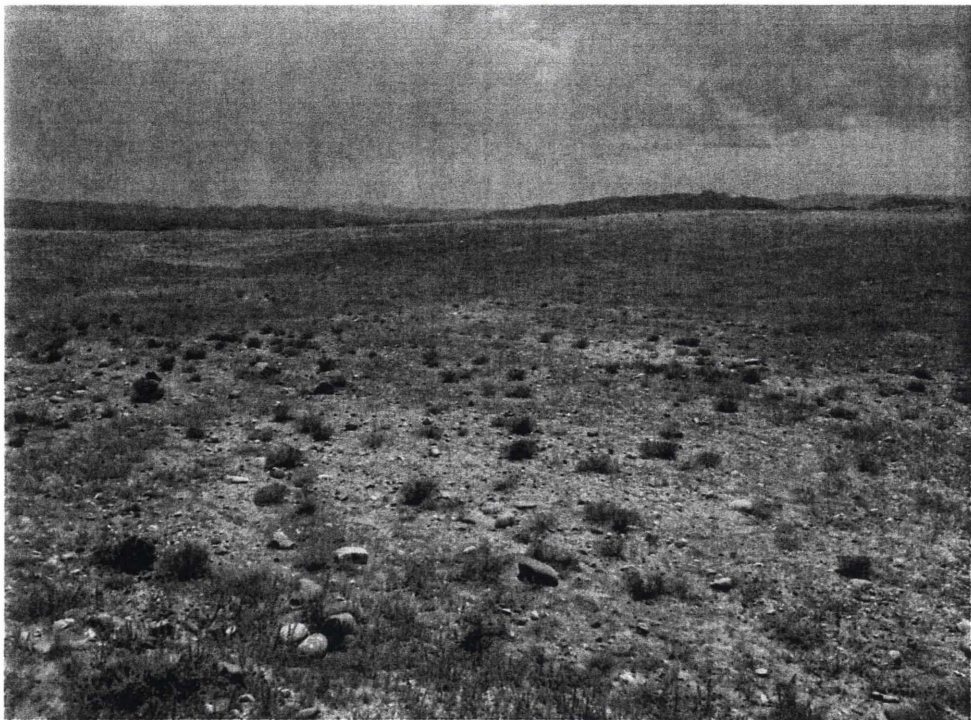
### **III Compliance Assessment**

- A. Vegetation has not established to LQD standards. The Wyoming Environmental Quality Act, 35-11-415(b)(viii), requires the operator to "Replace native or superior self regenerating vegetation on land affected." LQD will inspect the vegetation establishment after the second growing season in June of 2007.





**Photo No. 1. The vegetation that has established in the north reclaimed area is weeds.**



**Photo No. 2. Vegetation establishment in the south reclaimed area is starting to establish.**



The State  
of Wyoming



## Department of Environmental Quality

Dave Freudenthal, Governor

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

<b>ADMIN/OUTREACH</b> (307) 777-7758 FAX 777-3610	<b>ABANDONED MINES</b> (307) 777-6145 FAX 777-6462	<b>AIR QUALITY</b> (307) 777-7391 FAX 777-5616	<b>INDUSTRIAL SITING</b> (307) 777-7368 FAX 777-6937	<b>LAND QUALITY</b> (307) 777-7756 FAX 777-5864	<b>SOLID &amp; HAZ. WASTE</b> (307) 777-7752 FAX 777-5973	<b>WATER QUALITY</b> (307) 777-7781 FAX 777-5973
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August 9, 2005

Mr. George Allen  
George's Excavation  
119 W Hickory  
Saratoga, WY 82331

*7-19-05  
jhl*

**RE: Permit 487ET, George's Excavation,  
2005 Annual Report Inspection/Review**

Dear Mr. Allen:

Attached is a copy of the above referenced report. I conducted this inspection on July 19, 2005. No compliance problems were noted during this inspection. During this inspection it was determined that the total disturbance of the 487ET was near or exceeds the maximum of ten acres that is allowed in a Limited Mining Operation. No further disturbance can occur until a Small Mining Permit is approved.

Please feel free to contact the District I office if you have question regarding this letter or in completing the Small Mining Application that has been forwarded for your use.

Sincerely,

*Bill Hogg*

Bill Hogg  
Land Quality Division

Attachment: Report



## Annual Inspection Report

**COMPANY:** George's Excavation, Permit No. 487ET  
**INSPECTOR:** Bill Hogg, Land Quality Division (LQD) BH  
**DATE OF INSPECTION:** July 19, 2005  
**FIELD CONDITION:** Dry and hot  
**DATE OF REPORT:** July 25, 2005

### **I. General Discussion and Annual Report Review**

#### HISTORY

Authorization for a Limited Mining Operation of one acre was issued to George M. Allen on September 22, 1983. The authorization was modified to a maximum disturbance of 10 acres on July 16, 1998. The surface owner of the 487ET permitted area is River Meadows, Inc. The bond held by LQD for the reclamation of the disturbance is \$3,400.00. The operation was last inspected on July 22, 2004. The Limited Mining Operation is located eight miles south of Saratoga at the junction of State roads 130 and 230. The Limited Mining Operation was last GPS surveyed during the 1999 inspection.

#### INTRODUCTION

LQD received the 2003-2004 Annual Report (AR) on September 8, 2004 and the report covers the time period from September 22, 2003 through September 21, 2004. This report indicates that the mine was active, 200 yards of mineral mined during the report period.

- No disturbance occurred during the report period and the total disturbance line was not filled out. Past Annual Reports and inspections indicate that 10 or more acres have been disturbed.
- The report indicates that no reclamation has been completed.
- The report indicates that no topsoil or overburden is available for use in reclamation.
- Line #12 of the report indicates that seeding occurred in October of 2003 with a High Plains Seed mix.

### **II Field Inspection**

- A. The permit identification sign was in place at the time of the inspection.



- B.** Access to the Limited Mining Operation is from the east side of Highway 230. The access road serves two Limited Mining Operations, 487ET and Saratoga Corporation, 585ET. The 585ET is on the west end of the disturbed area and you must pass through it to reach the 487ET operation.
- C.** The site was not active at the time of the inspection. All stockpiles and equipment have been removed from the permit area. The disturbance has been cleaned up and all grading has been completed since the last inspection (See photo #1). The topsoil that was available has been replaced on the south end of the disturbance and that area of the reclamation was broadcast seeded in the fall of 2003.
- D.** Some areas within the 487ET permit area were disturbed prior to the permitting of this Limited Mining Operation in 1983. Topsoil was not salvaged during the prior mining and is not available for reclamation use. No vegetation has yet established from the seeding that was completed in years 2000 and 2003 (See photos #1). The lack of topsoil and the method of seeding, broadcast seeding on compacted spoil, may require several years before vegetation establish to LQD standards and bond release can be granted.
- E.** Runoff from the disturbed lands is controlled by the pit. Some erosion was noted on the entry road that services both 487ET and 558ET.
- F.** The disturbance is very close to or may have exceeded the maximum 10 acres allowed in a Limited Mining Operation. The Limited Mining Operation was GPS surveyed during the 1999 inspection at 16.5 acres. The 16.5 acres included some native areas and common areas (Marked in green on 1999 GPS maps) between the 585ET permit. LQD will require the Limited Mining Operation be upgraded to a Small Mining Application before further disturbance can occur.

### **III Compliance Assessment**

- A.** It is possible that this Limited Mining Operation may have exceeded the maximum of ten acres that is allowed in a Limited Mining Operation. No further disturbance can occur and reclamation of the disturbance must be completed.

**PHOTO ADDENDUM**

RE: George's Excavation, Permit No. 487ET  
DATE: July 19, 2005  
PHOTOS BY: Bill Hogg

Photo No 1. Grading that has been completed, looking south.





Rick

# 18-7

RECEIVED  
APR 20 2007  
LQD

VOLUNTARY BOND FORFEITURE AGREEMENT

George's Excavation mined sand and gravel under Permit No. 487ET, issued by the Wyoming Department of Environmental Quality, Land Quality Division.

George's Excavation is no longer willing or able to mine or reclaim the mine site, pursuant to Permit No. 487ET.

George's Excavation posted an \$8,400.00\* bond with the Department, as a condition of its permit.

George's Excavation agrees to voluntarily forfeit this bond to the Department for reclamation purposes.

Pursuant to W.S. §35-11-421, George's Excavation understands that it has a right to a hearing before the Wyoming Environmental Quality Council to dispute any action the Department takes to forfeit its bond.

By this Agreement, George's Excavation waives its right to a hearing, and understands that the Council will order its bond forfeited, thereby terminating any right George's Excavation has to the bond principal, except for any amount remaining after complete reclamation.

Dated this 17<sup>th</sup> day of April, 2007.

Winifred Allen  
Signature

Mr George M. Allen  
Title

State of WYOMING )

County of CARBON )

The foregoing instrument was acknowledged before me by WINIFRED ALLEN  
this 17<sup>th</sup> day of APRIL, 2007.

Witness my hand and official seal.

Georgia Rae Miller  
Notary Public)

My Commission Expires: Dec. 5, 2009

*Posted Bond	
Letter of Credit 491465	\$8,000.00
CD 2618	\$200.00
CD2766	\$200.00



Citizen Business Government Visitor



Home > Entity Detail

### Secretary of State's Office

Max Maxfield, Secretary of State

200 West 24th Street, Cheyenne, WY 82002-0020 (307) 777-7311

### Entity Detail

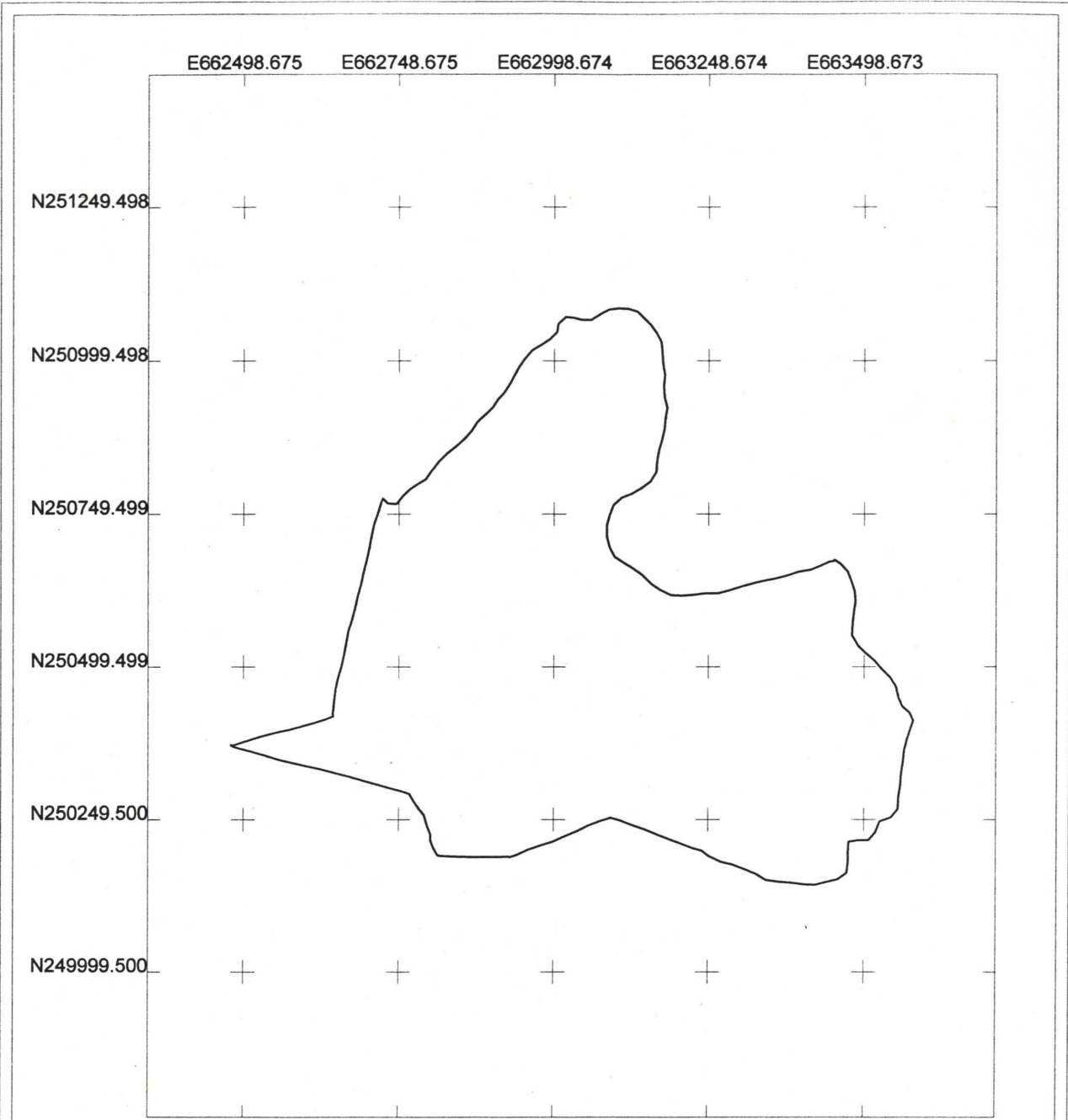
Entity details cannot be edited. This detail reflects the current state of the filing in the system.

<b>2002-000432620: Profit Corporation - Domestic</b>	
<b>Name:</b> George's Excavation Inc.	<b>Status:</b> Inactive - Administratively Dissolved (Tax)
<b>Old Name:</b>	<b>Standing:</b> Delinquent
<b>Fictitious Name:</b>	<b>Sub Status:</b> Archived
<b>Sub Type:</b> Close Corporation	
<b>Formed in:</b> Wyoming	<b>Initial Filing:</b> 03/11/2002
<b>Term of Duration:</b> Perpetual	<b>Inactive Date:</b> 05/19/2005
<b>Purpose Code:</b>	
<b>Principal Office:</b> P.O. Box 151 Saratoga, WY 82331 USA	<b>Mailing Address:</b> P.O. Box 151 Saratoga, WY 82331 USA
<b>Additional Details</b>	<b>History</b>
<b>Public Notes</b>	<b>Parties</b>
<b>Registered Agent:</b> George R. Allen	<b>Agent Address:</b> 1111 N 13th St Saratoga, WY 82331 USA
<b>Latest AR/Year:</b> 00567810 / 2003	
<b>AR Exempt:</b> N	<b>License Tax Paid:</b> \$50.00
<b>Preferred Shares:</b>	<b>Preferred Par Value:</b>
<b>Common Shares:</b> UNLIMITED	<b>Common Par Value:</b>

Printer Friendly Version

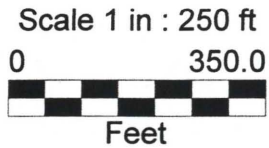
Return to Business Division Home

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## 487ET T-Post Outline = 11.88 Acres

US State Plane 1927  
 Wyoming East Central 4902  
 NADCON (Conus)



676et.ssf  
 8/24/1999  
 Pathfinder Office  
**Trimble**





# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

## MEMORANDUM

**TO:** DEQ Administration

**FROM:** Deanna Hill, LQD

**DATE:** July 11, 2007

**SUBJECT:** George's Excavation – Ten Acre Exemption No. 487ET

Attached is Rawlins National Bank check no. 63296 in the amount of Eight Thousand Dollars (\$8,000) representing a portion of the bonding on the above referenced. Two bonds in the amount of Two Hundred Dollars (\$200) each will be forthcoming. The bonds were forfeited voluntarily on April 17, 2007 (copy attached).

Received By: *Don Barrett* Date: 7/11/7

DKH:tf

ec: District I  
 xc: Don Gerstein, Assistant Attorney General





THE  
**Rawlins**  
NATIONAL BANK  
MEMBER FDIC

# CASHIER'S CHECK

63296

1114

RAWLINS  
220 Fifth Street • P.O. Box 100  
Rawlins, WY 82301  
(307) 324-2203

RAWLINS EAST BRANCH  
600 N. Higley Blvd  
Rawlins, WY 82301  
(307) 324-1180

SARATOGA  
P.O. Box 1290  
Saratoga, WY 82331-1290  
(307) 326-8314

HANNA  
P.O. Box 18  
Hanna, WY 82327-0018  
(307) 325-9007

VOID AFTER 180 DAYS 99-29/1023  
00207063

REMITTER **GEORGE'S EXCAVATION PERMIT 487ET-LOC NO 1995-05**

DATE **Jul 03, 2007**

PAY TO THE ORDER OF **DEPARTMENT OF ENVIRONMENTAL QUALITY**

**\*8,000.00\***

PAY EXACTLY

**PAY EXACTLY \$8,000 DOL 00 CTS**

*Bonnie J. Turner*



NOTICE TO THE CUSTOMER  
THE PURCHASE OF AN INDEMNITY BOND WILL BE  
REQUIRED BEFORE ANY OFFICIAL CHECK OF THIS  
BANK WILL BE REPLACED OR REFUNDED IN THE  
EVENT IT IS LOST, MISPLACED, OR STOLEN.

TWO SIGNATURES REQUIRED OVER \$25,000.00

⑈063296⑈ ⑆102300297⑆ 00 207063⑈

**Forfeited**

LK

Memorandum

**To:** 487ET, George's Excavation

**From:** Bill Hogg

**Date:** April 20, 2007

**Subject:** Background Information and Chronology for Voluntary Bond Forfeiture Action

HISTORY

Authorization for a Limited Mining Operation of one acre was issued to George M. Allen on September 22, 1983. The authorization was modified to a maximum disturbance of 10 acres on July 16, 1998. The surface owner of the 487ET permitted area is River Meadows, Inc. The bond held by LQD for the reclamation of the disturbance is \$8,400.00. The operation was last inspected on July 17, 2006. The Limited Mining Operation is located eight miles south of Saratoga at the junction of State roads 130 and 230. The legal description is the NW1/4SW1/4 Section 16, Township 16 North, Range 83 West & the NE1/4SE1/4 Section 17, Township 16 North, Range 83 West.

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The area where this Limited Mining Operation is located was mined previously by the Wyoming Department of Transportation (WDOT).

**Chronology of Events**

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April 17, 2007 I meet with Mrs. Allen and went to the Rawlins National Bank, Saratoga Branch, where she signed and the Forfeiture agreement was notarized.



Rick

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George's Excavation agrees to voluntarily forfeit this bond to the Department for reclamation purposes.

Pursuant to W.S. §35-11-421, George's Excavation understands that it has a right to a hearing before the Wyoming Environmental Quality Council to dispute any action the Department takes to forfeit its bond.

By this Agreement, George's Excavation waives its right to a hearing, and understands that the Council will order its bond forfeited, thereby terminating any right George's Excavation has to the bond principal, except for any amount remaining after complete reclamation.

Dated this 17<sup>th</sup> day of April, 2007.

Winifred Allen  
Signature

Ms George M. Allen  
Title

State of WYOMING )

County of CARBON )

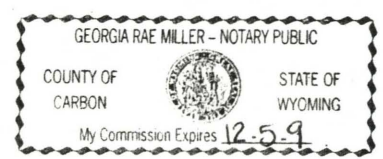
The foregoing instrument was acknowledged before me by WINIFRED ALLEN  
this 17<sup>th</sup> day of APRIL, 2007.

Witness my hand and official seal.

\*Posted Bond  
Letter of Credit 491465      \$8,000.00  
CD 2618                              \$200.00  
CD2766                              \$200.00

Georgia Rae Miller  
Notary Public)

My Commission Expires: DEC. 5, 2009





**MEMORANDUM**

TO: John Burbridge, Assistant Attorney General  
FROM: Donald R. McKenzie, LQD Administrator  
DATE: June 10, 2008  
RE: Bond Forfeiture for George's Excavation, 487ET – (Voluntary Forfeiture)

George's Excavation has failed to complete the reclamation of this Limited Mining Operation. The Operator, Mr. George Allen, is now deceased. His widow, Mrs. Winifred Allen is not able to complete the reclamation both from a physical and financial aspect. Because of this inability to complete the reclamation, Mrs. Allen has signed a voluntary forfeiture.

The LQD inspection on July 17, 2006 confirmed that the vegetation is not sufficient for bond release. It is formally request that the Department accepts the voluntary bond forfeiture and proceed with the forfeiture for the reclamation bonds of \$8400 held for 487ET.

c: Lowell Spackman > Pam Rothwell > Bill Hogg