

FILED

JAN 16 2009

**Jim Ruby, Executive Secretary
Environmental Quality Council**

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

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) **Docket No. 08-4506**
WAGNER & WATTS,)
SMALL MINING PERMIT 591s.)**

ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council (Council) on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of bonds against Wagner & Watts. The Council, having reviewed the motion and having been otherwise fully informed, MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. On October 14, 1986, the DEQ approved small mining permit 591s for Wagner & Watts to conduct a small mining operation located in Section 8, Township 15 North, Range 78 West, Albany County, Wyoming. Wagner & Watts posted a \$200.00 reclamation performance bond, in the form of cash with the DEQ on October 3, 1986.
2. The DEQ issued Notice of Violation No. 4199-07 to Wagner & Watts on December 27, 2007, because Wagner & Watts ceased its mining activities at the above location and failed to commence reclamation of the area disturbed during its mining operation.

3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Wagner & Watts on September 30, 2008.
4. On October 13, 2008, the Office of the Attorney General mailed Notice of Bond Forfeiture to Wagner & Watts by certified mail. The notice stated that the Council would enter an order forfeiting Wagner & Watts bond unless Wagner & Watts demanded a hearing before the Council within thirty days. Wagner & Watts received the notice on or about October 18, 2008. Wagner & Watts did not request a hearing within thirty days of its receipt of the Notice of Bond Forfeiture.
5. The record in this matter establishes that the DEQ has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. ANN. § 35-11-421 for an order forfeiting Wagner & Watts' \$200.00 reclamation performance bond, in the form of cash held by the DEQ.


The Environmental Quality Council, being otherwise fully advised on the premises, HEREBY ORDERS:

1. The aforementioned reclamation performance bond forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the DEQ for the reclamation of all lands affected by Wagner & Watts' small mining operations under permit number 591s.
2. Any proceeds remaining after reclamation shall be subject to any claim by the people of the State of Wyoming.

3. Any funds remaining after reclamation and payment of other claims shall be returned to Wagner & Watts, if it can be found.

DATED this 15 day of January, 2009.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 16th day of January, 2009, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

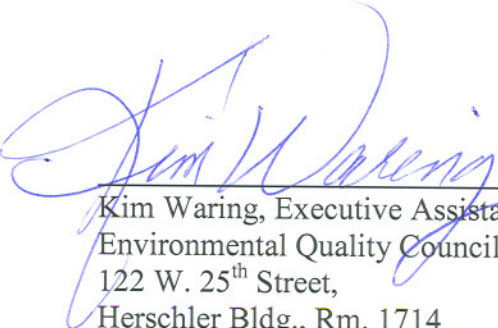
Mr. Malcom Shepard
Wagner & Watts, LLC
2300 Knollwood
Gillette, WY 82718

also to the following persons via electronic mail:

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