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APR 02 2010

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)
BRIDGER VALLEY GRAVEL)
LIMITED MINING OPERATIONS)
593ET, 626ET, 705ET and 870ET.)**

Docket No. 09-4502

MOTION FOR BOND FORFEITURE ORDER

The Department of Environmental Quality, Land Quality Division (DEQ), by and through the Office of the Attorney General, pursuant to WYO. STAT. ANN. § 35-11-421(b) (West 2009), and hereby moves the Environmental Quality Council (Council) for an order forfeiting Bridger Valley Gravel's (Bridger) reclamation performance bonds, and as grounds for this motion, offers the following:

1. Bridger posted reclamation performance bonds, in the form of Certificate of Deposit and cash for its limited mining operations: 593ET, 626ET, 705ET and 870ET.
2. Limited mining operation 593ET was issued to Bridger on August 13, 1985, and is located in the SW1/4 SW1/4 Sec. 34, T15N, R115W, in Uinta County, Wyoming.
3. Limited mining operation 626ET was issued to Bridger on April 10, 1986, and is located in the SW1/4 Sec. 27, T13N, R115W, in Uinta County, Wyoming.
4. Limited mining operation 705ET was issued to Bridger on February 1, 1988, and is located in the SE1/4 SW1/4 Sec. 17, T12N, R113W, in Uinta County, Wyoming.

5. Limited mining operation 870ET was issued to Bridger on December 17, 1992, and is located in the SE1/4 SW1/4 Sec. 24, T13N, R117W, in Uinta County, Wyoming.
6. The DEQ currently holds Certificate of Deposit No. 4919, issued on June 17, 1985, by Community 1st National Bank of Evanston in the amount of eight hundred dollars and no cents (\$800.00) for limited mining operation no. 593ET.
7. The DEQ currently holds Certificate of Deposit No. 1765, issued on March 5, 1986, by Community 1st National Bank of Evanston in the amount of one thousand dollars and no cents (\$1,000.00) for limited mining operation no. 626ET.
8. The DEQ currently holds Certificate of Deposit No. 1491, issued on February 1, 1988, by the 1st State Bank of Lyman in the amount of one thousand five hundred dollars and no cents (\$1,500.00) for limited mining operation no. 705ET.
9. The DEQ currently holds cash in the amount of three thousand dollars and no cents (\$3,000.00) for limited mining operation no. 870ET.
10. The DEQ issued Notice of Violation No. 3264-01 to Bridger on May 2, 2001, because the mining sites had been inactive since at least October 22, 1996, and Bridger had failed to commence reclamation of the areas disturbed during its mining operations. In addition, Bridger had not filed an annual report with LQD since 1997.
11. Based on these facts, the DEQ determined Bridger's reclamation performance bonds should be forfeited.
12. The DEQ requested that the Council approve this proceeding on November 3, 2009.

13. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Bridger on January 15, 2010.
14. The DEQ then requested that the Office of the Attorney General begin this proceeding.
15. On February 1, 2010, the Office of the Attorney General mailed notice to Bridger by certified mail that the Council would enter an order forfeiting its bonds unless a demand for a hearing before the Council was made within thirty days.
16. Bridger received the notice on or about February 2, 2010.
17. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Bridger.
18. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the Council shall order the bonds forfeited.
19. In addition, Bridger executed a voluntary bond forfeiture agreement for limited mining operations 593ET, 626ET, 705ET and 870ET on October 15, 2009. The agreement is attached hereto and incorporated herein by this reference. In the agreement, Bridger waives its right to a hearing and acknowledged that it knew that the EQC would forfeit its bonds.
20. Bridger has knowingly waived all of the statutory prerequisites to this bond forfeiture by entering into the voluntary forfeiture agreement, and the Council should therefore order the bond forfeited.

THEREFORE, the DEQ respectfully requests that the Council enter an order requiring Bridger Valley Gravel to forfeit its reclamation performance bonds to the Department of Environmental Quality to be used to reclaim those lands affected by Bridger's mining activities under limited mining operations: 593ET, 626ET, 705ET and 870ET.

Respectfully submitted this 2nd day of April, 2010.

FOR THE DEPARTMENT OF ENVIRONMENTAL
QUALITY, LAND QUALITY DIVISION



John S. Burbridge
Senior Assistant Attorney General
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on April 2, 2010, I served a true copy of the foregoing MOTION FOR BOND FORFEITURE ORDER as follows:

Mrs. Bonnie J. Byrne
Bridger Valley Gravel
P.O. Box 171
Mountain View, Wyoming 82939

U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery
 Express Mail


John S. Burbridge

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ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF THE BOND)	
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AGAINST THE BOND OF)	Docket No. 09-4502
BRIDGER VALLEY GRAVEL)	
LIMITED MINING OPERATIONS)	
593ET, 626ET, 705ET and 870ET.)	

ORDER OF BOND FORFEITURE

THIS MATTER having come before the Wyoming Environmental Quality Council (EQC) on a request from the Department of Environmental Quality (DEQ) for bond forfeiture against Bridger Valley Gravel (Bridger), and the EQC having reviewed the motion and having been otherwise fully informed in the premises **MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

FINDINGS OF FACT

1. Bridger posted reclamation performance bonds, in the form of Certificate of Deposit and cash for its limited mining operations: 593ET, 626ET, 705ET and 870ET.
2. Limited mining operation 593ET was issued to Bridger on August 13, 1985, and is located in the SW1/4 SW1/4 Sec. 34, T15N, R115W, in Uinta County, Wyoming.
3. Limited mining operation 626ET was issued to Bridger on April 10, 1986, and is located in the SW1/4 Sec. 27, T13N, R115W, in Uinta County, Wyoming.

4. Limited mining operation 705ET was issued to Bridger on February 1, 1988, and is located in the SE1/4 SW1/4 Sec. 17, T12N, R113W, in Uinta County, Wyoming.
5. Limited mining operation 870ET was issued to Bridger on December 17, 1992, and is located in the SE1/4 SW1/4 Sec. 24, T13N, R117W, in Uinta County, Wyoming.
6. The DEQ currently holds Certificate of Deposit No. 4919, issued on June 17, 1985, issued by Community 1st National Bank of Evanston in the amount of eight hundred dollars and no cents (\$800.00) for limited mining operation no. 593ET.
7. The DEQ currently holds Certificate of Deposit No. 1765, issued on March 5, 1986, issued by Community 1st National Bank of Evanston in the amount of one thousand dollars and no cents (\$1,000.00) for limited mining operation no. 626ET.
8. The DEQ currently holds Certificate of Deposit No. 1491, issued on February 1, 1988, issued by the 1st State Bank of Lyman in the amount of one thousand five hundred dollars and no cents (\$1,500.00) for limited mining operation no. 705ET.
9. The DEQ currently holds cash in the amount of three thousand dollars and no cents (\$3,000.00) for limited mining operation no. 870ET.
10. The DEQ issued Notice of Violation No. 3264-01 to Bridger on May 2, 2001, because the mining sites had been inactive since at least October 22, 1996, and Bridger had failed to commence reclamation of the areas disturbed during its

mining operations. In addition, Bridger had not filed an annual report with LQD since 1997.

11. On February 1, 2010, the Office of the Attorney General mailed notice to Bridger by certified mail that the EQC would enter an order forfeiting its bonds unless a demand for a hearing before the EQC was made within thirty days.

12. Bridger received the notice on or about February 2, 2010.

13. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the EQC from Bridger.

14. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty days of his receipt of the notice, then the EQC shall order the bond forfeited.

15. In addition, Mrs. Bonnie J. Byrne, the widow of Bridger owner Mr. Charles Byrne executed a voluntary bond forfeiture agreement on October 15, 2009, for limited mining operations 593ET, 626ET 705ET and 870ET. The agreement is attached hereto and incorporated herein by this reference. In the agreement, Bridger waives its right to a hearing and acknowledged that it knew that the EQC would forfeit its bonds.

CONCLUSION OF LAW

16. The record in this matter establishes that Bridger knew of its rights regarding bond forfeiture and that the DEQ has satisfied all the requirements for bond forfeiture. As such, bond forfeiture is appropriate in this case pursuant to WYO. STAT. ANN. § 35-11-421; for Certificate of Deposit No. 4919, dated June

17, 1985, issued by Community 1st National Bank of Evanston in the amount of eight hundred dollars and no cents (\$800.00) for limited mining operation no. 593ET; Certificate of Deposit No. 1765, dated March 5, 1986, issued by Community 1st National Bank of Evanston in the amount of one thousand dollars and no cents (\$1,000.00) for limited mining operation no. 626ET; Certificate of Deposit No. 1491, dated February 1, 1988, issued by the 1st State Bank of Lyman in the amount of one thousand five hundred dollars and no cents (\$1,500.00) for limited mining operation no. 705ET; and cash in the amount of three thousand dollars and no cents (\$3,000.00) for limited mining operation no. 870ET.

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

1. The aforementioned reclamation performance bonds be forfeited to the Wyoming Department of Environmental Quality, Land Quality Division, to be used by the Department for the reclamation of all lands affected by the aforementioned operations.
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 Mrs. Bonnie J. Byrne on behalf of Bridger Valley Gravel, if she can be found.

DATED this _____ day of _____, 2010.

WYOMING ENVIRONMENTAL QUALITY COUNCIL

Chairman

CERTIFICATE OF SERVICE

I, Jim Ruby, do hereby certify that the foregoing ORDER FOR BOND FORFEITURE was served by placing a true and correct copy in the United States mail, postage prepaid, on this ____ day of _____, 2010, addressed to the following:

Mrs. Bonnie J. Byrne
Bridger Valley Gravel
P.O. Box 171
Mountain View, Wyoming 82939

AND also to the following person via interoffice mail of the State of Wyoming:

John V. Corra, Director
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

Don McKenzie, Land Quality Administrator
Department of Environmental Quality
Herschler Building
Cheyenne, WY 82002

John S. Burbridge
Attorney General's Office
123 Capitol Building
Cheyenne, Wyoming 82002

Jim Ruby