

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAY 18 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

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

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 13 day of May, 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 18th day of May, 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