

FILED

JUN 24 2011

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

Jim Ruby, Executive Secretary
Environmental Quality Council

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) DOCKET NO. 10-4501
TERRY HANKINS)
PERMIT NO. 255C)**

MOTION FOR BOND FORFEITURE

The Department of Environmental Quality, Land Quality Division (Division), through the Office of the Attorney General, hereby moves the Environmental Quality Council (Council) for an order forfeiting the bond of Mr. Terry Hankins, and as grounds for this motion states the following:

1. Mr. Terry Hankins holds permit 255C, authorizing him to operate a mining operation located in Section 16, Township14N, Range86W, in Carbon County, Wyoming. *See Exhibit A.*
2. Mr. Hankins posted a bond for the purpose of assuring reclamation of the mining site in the amount of one thousand dollars (\$1,000.00) in the form of a cashier's check, number 398684, issued by Colorado National Bank of Denver. *See Exhibit B.*
3. On August 26, 2009, Mr. Hankins was convicted of first degree murder and sentenced to life in prison without parole. Mr. Hankins is currently incarcerated in Sterling, Colorado.

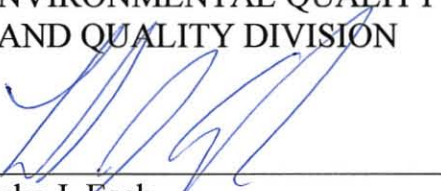
4. Annual reports and annual inspections indicate that there have been no mining activities and reclamation activities conducted in years.
5. The DEQ issued Notice of Violation (NOV) No. 4643-10 to Mr. Hankins on March 2, 2010, due to Mr. Hankins failure to reclaim the disturbance at the mining site. *See Exhibit C.*
6. Mr. Hankins responded to the NOV by threatening civil action against DEQ if reclamation activities were initiated on his mining claims. *See Exhibit D.*
7. Based on these facts, the DEQ determined Mr. Hankins' reclamation bond should be forfeited.
8. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Mr. Hankins on January 13, 2011. *See Exhibit E.*
9. The DEQ then requested that the Office of the Attorney General begin this proceeding.
10. On January 28, 2011, the Office of the Attorney General sent notice to Mr. Hankins by certified mail that the Council would enter an order forfeiting its bond unless he demanded a hearing before the Council within thirty (30) days. *See Exhibit F.*
11. Notice to Mr. Hankins was received by him on or about February 1, 2011. *See Exhibit G.*
12. Neither the Office of the Attorney General nor the Council has a record of a request for a hearing before the Council from Mr. Hankins.

13. WYO. STAT. ANN. § 35-11-421(b) states that if no demand is made by the operator within thirty (30) days of his receipt of the notice, then the Council shall order the bond forfeited.
14. Based on the foregoing facts, the DEQ and the Attorney General's Office have satisfied all of the statutory prerequisites to this bond forfeiture, and the Council should order Mr. Hankins' bond forfeited.

WHEREFORE, the DEQ respectfully requests that the Council enter an order requiring Mr. Hankins to forfeit his reclamation bond to the DEQ to be used to reclaim those lands affected by Mr. Hankin's activities under permit number 255C.

DATED this ^{24th} day of June, 2011.

FOR THE DEPARTMENT OF
ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION



Luke J. Esch
Assistant Attorney General
123 Capitol Building
Cheyenne, Wyoming 82002
(307) 777-6946

CERTIFICATE OF SERVICE

I, hereby certify that on this 24th day of June, 2011, I served a true copy of the foregoing Motion and Order for Bond Forfeiture as follows:

Mr. Terry Hankins – Docket # 147323
c/o Sterling Correction Facilities
12101 Highway 61
Sterling, CO 80751-8428

U.S. Mail, postage prepaid
 Facsimile
 Hand Delivery

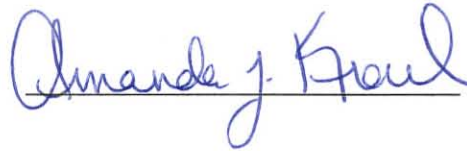

Amanda J. Kroul

Exhibit A



NOTE: Do not fold this form. Use typewriter or print neatly with black ink. Submit three (3) copies one of which must be an original Form 1(t) as supplied by the Department of Environmental Quality, Land Quality Division.

STATE OF WYOMING

DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION
APPLICATION
FOR
PERMIT TRANSFER

1. (a) Name, telephone number, and mailing address of applicant: Andover Resources Corp., 4535 Lakeridge Rd., Denver, CO 80219
(303) 922-2768

(b) Location of mining operation (county): Carbon

(c) Permit number to be transferred: 255C

(d) The total number of acres in the permit area and an estimate of the total number of acres affected by the operation through date of transfer.

Total Permit Acres	Date Issued	Estimate of Affected Acres
Original Permit <u>63.02</u>	Original Permit	<u>4.5</u>
Approved Amendments <u>None</u>	Approved Amendments	<u>None</u>
<hr/>		
Total Acres <u>63.02</u>	Total Acres	<u>4.5</u>

Attach a legal description of above acreages as Appendix "C" and original USGS Quad Map(s) with permit and amendment areas clearly shown and identified. Previously submitted

2. (a) Name, telephone number, and mailing address of transferee: Mr. Terry Hankins, P.O. Box 127, Baggs, WY, (303) 583-7342

(b) If the Transferee is a partnership, association or corporation, the names and addresses of all managers, partners and executives directly responsible for operations in this State:

Name: _____ Address: _____
Title: _____ Phone No.: _____

Name: _____ Address: _____
Title: _____ Phone No.: _____

Name: _____ Address: _____
Title: _____ Phone No.: _____

Name: _____ Address: _____
Title: _____ Phone No.: _____

3. Name, telephone number, and address of the authorized representatives of the Transferee to whom any notices under the provisions of the Wyoming Environmental Quality Act, Land Quality Division or Rules and Regulations adopted thereunder may be sent: _____

4. The provisions of the transferred permit are severable, and if any provision of the permit, or the application of any provision of the permit, to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of the permit, shall not be affected thereby.

5. For surface coal mining operations, right of entry to or inspection of any operation, premises, records, or equipment shall not require advance notice.

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FILMED
NOV 18 1991

SWORN STATEMENT OF TRANSFEROR

State of Colorado)
) ss
County of Denver)

I Judith A. Anderson being duly sworn on my oath that I am the Transferor (or President or Vice President if the Transferor is a corporation) for the foregoing permit transfer; that I have read the said application and fully know the contents thereof; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief; by execution of this statement I certify that Transferor is in full compliance with the Wyoming Environmental Quality Act, the Rules and Regulations promulgated thereunder, and the terms and conditions of Mining Permit No. 255C. Approval of this transfer by the Department of Environmental Quality does not constitute a conclusion that the Transferor is in full compliance.

Dated this 19th day of May, 1989.

Name: Judith A. Anderson
Judith A. Anderson

Title: President

The foregoing instrument was acknowledged before me by Judith A. Anderson this 19th day of May, 1989.

Witness my hand and official seal.

Suzney Bartlett
Notary Public or Secretary if a Corporation

My Commission Expires: 5/19/90

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NOV 18 1991

FINAL SWORN STATEMENT OF TRANSFEREE



State of CARBIN WYO)
County of CARBIN)ss.

I TERRY HANKINS being duly sworn on my oath that I am the Transferee (or President or Vice President if the Transferee is a corporation) for the foregoing mining permit transfer; that I have read the said application and fully know the contents thereof; that I further agree to be bound by all of the terms and conditions of the original permit and any amendments, revisions, or renewals thereof and accept all unfulfilled reclamation liabilities of the permit; that all statements contained in the permit transfer application are true and correct to my best knowledge and belief, by execution of this statement I certify that Transferee has the right and power by legal estate owned to mine from the land for which this permit transfer is desired; that Transferee has not forfeited, or is not involved in forfeiture proceedings for, a bond posted for reclamation purposes; and if a surface coal mining application, that

NA has paid the reclamation fees for this and all coal mining operations under the jurisdiction of P.L. 95-87 as required by Title IV of that law; and by completion and submission of this application, hereby give consent to allow the Director, the Administrator and/or his authorized representatives, at reasonable times and upon presentation of appropriate credentials, to enter upon and have access to any and all lands covered by this permit and amendments thereto and to inspect and copy any records or documents, obtain or monitor any samples or sampling, for any activities associated with the operation and permit.

Dated this 26 day of MAY, 1989.

Name: Terry Hankins

Title: OWNER

The foregoing instrument was acknowledged before me by TERRY HANKINS, this 26 day of MAY, 1989.

Witness my hand and official seal.

Jane M. Hankins
(Notary Public or other authorized officer)

My Commission Expires: 2-16-92

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NOV 18 1991

This is to certify that I have examined the foregoing application and do hereby grant the same subject to the following limitations and conditions.

1. This permit transfer grants only the right to affect the lands described in Appendix "C" of the permit.
2. The transferee has acquired a good and sufficient reclamation bond fully executed and signed. The bond shall be effective on the date of transfer.
3. The transferee, or such other person as required by W.S. 35-11-410, has acquired a license to mine for lands described in Appendix "C" of the permit.

APPROVED: *Roger Schaff*
 Administrator
 Land Quality Division
 Dept. of Environmental Quality

APPROVED: *James Shaw*
 Director
 Dept. of Environmental Quality

Effective Date: June 27, 1990



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 NOV 18 1991

Exhibit B

TFN 2 6/146, Dist. I, Form 1(+), Permit Transfer, Receipt # 3493



COLORADO NATIONAL BANK
OF DENVER
Seventeenth at Champa
Denver, Colorado 80202
(303) 893-1862

23-2/1020

398684

CASHIER'S CHECK

May 8, 1990

PAY EXACTLY \$1,000dols00cts

Pay to the order of: Terry J Hankins
Permit #2550

TO THE ORDER OF One thousand Dollars and no cents

SN: 0000390514 No: 11 Op: 73
Void if over \$1,000.00

State Of Wyoming Dept Of Land
Quality

⑈398684⑈ ⑆102000021⑆ ⑈0095729⑈

DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

June 12 1990

No. P 3493

Received from Mrs. Terry Hankins

One-Thousand & no/100 Dollars

TFN 2 6/146, Dist. I, Check # 398684

Form 1(+), Permit Transfer (Reclamation Bond)

\$ 1,000.00

MICRO

FILMED

NOV 18 1991

2550
TFN 2 6/146

Exhibit C

**DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**NOTICE OF VIOLATION
AND ORDER**

IN THE MATTER OF THE NOTICE OF)	
VIOLATION ISSUED TO)	
TERRY HANKINS)	
ATTEN: MR. TERRY HANKINS)	DOCKET NO. 4643-10
STERLING CORRECTION FACILITIES)	
12101 HIGHWAY 61)	
STERLING, CO 80751-8428)	
PERMIT 255C)	

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. Wyoming Statute §35-11-415(b)(ix) requires the operator to reclaim the affected land as mining progresses. Annual Reports and Annual Inspections indicate that no mining and no reclamation has occurred in years. The operator has not responded to the Compliance Section of the 2009 Annual Inspection report that required reclamation and removal of old equipment to begin within 90 days of the receipt of the report. The inspection was conducted on August 4, 2009.
3. Wyoming Statute §35-11-415(b)(iv) requires the operator to dispose of toxic, acid forming, or radioactive material or any material determined by the administrator to be hazardous to health or safety, or which constitutes a threat of pollution to surface or subsurface water. Several barrels and buckets of oil, hydraulic fluids were identified during the inspection conducted on August 4, 2009. These fluids must be disposed of properly.
4. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

ORDER

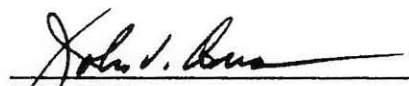
WHEREFORE, IT IS HEREBY ORDERED THAT:

1. The Operator must complete the following:
 - A. Complete the reclamation of the disturbance authorized under Permit 255C by September 1, 2010.
 - B. Remove the mining equipment, containers of oil, hydraulic fluids, and fuels from the site.
 - C. Dispose of equipment, as necessary, and waste products at licensed disposal sites by September 1, 2010.

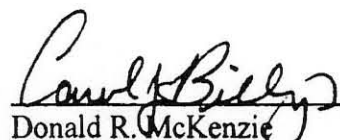
This ORDER is final unless it is appealed in writing within the ten (10) day time limit proscribed by W.S. 35-11-701(c). If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council; 122 West 25th Street; Herschler Building, 1st Floor West, Room 1714; Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality; 122 West 25th Street; Herschler Building, 4th Floor West; Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail return receipt requested.

NOTHING IN THIS ORDER shall be interpreted in any way to limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 2 day of MARCH, 2010



John V. Corra
Director
Department of Environmental Quality



Donald R. McKenzie
Administrator
Land Quality Division

Please direct all inquiries regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

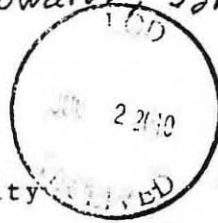
DOCKET NO. 4643-10
PERMIT 255C

cc: Jim Ruby
John Burbridge
Lowell Spackman, LQD, District I
Permit 255c

Exhibit D

copies: Alan Edwards, John Wagner, John Burbridge
+ Landl Spackman

Don 7/2/10



RECEIVED
plus
NOV
file
(Becky)

John V. Corra, Director
Wyoming Dept. of Environmental Quality
122 West 25th Street
Cheyenne, WY 82002

JUL 1-2010
WATER QUALITY DIVISION

Dear Mr. Corra; This letter is to notify you that a lawsuit
against you personally, Mr. McKenzie personally, and any other
DEQ parties involved in producing such NOV and Order 4643-10,
which is the culmination of forty years of infringement of the
State of Wyoming on my personal property rights at the
Ferris-Haggerty Mine. The patented federal mining claims
conveyed the right to mine and sell mined products, which you have
infringed upon illegally through a variety of questionable
"environmental regulations" which require bonds of large
amounts and fines of huge, and impose impossibly obtainable
"water quality discharge standards", that the State itself
could not reach after spending six years and \$5million on the
project in a complete waste of taxpayer funds.

You are advised herewith to not conduct any reclamation
activities whatsoever on the Ferris-Haggerty Mine area, comprising
the Rudefeha, Rudefeha East Extension, Rudefeha West Extension,
Jordan and Doyle patented mining claims in Section 16, Township
14 North, Range 86 West, 6th PM, Carbon County, Wyoming.

Be advised herewith that you, nor any contractors
employed by you are ~~to~~ physically enter the above property
for any reason, and specifically not to touch any personal
property of mine located thereon, including barrels of fuel,
hydraulic oil, mine spikes, or mining equipment of any kind.

Your letters and actions lead me to believe that
you have entered into a conspiracy together with the BLM
and various Colorado agencies that comprise the so-called
"Justice System", which includes several public entities
and 24 individuals, all of which I am suing for a variety
of violations of my rights in a Civil Action for damages,
and the State of Wyoming and all parties within the DEQ
involved in any manner in attempting to confiscate my mining
property in Wyoming are hereby included as co-defendants in
that lawsuit. You are further advised to not advertize for
bids for any water quality, ^{STORAGE} mine reclamation, portal sealing,
or building removal on the above property.

I have spent forty years trying diligently to
develop the Ferris-Haggerty Mine, and the actions of the
State of Wyoming have prevented that. I am presently at
a disadvantage as far as doing any work at the mine, but I
intend to put it into production in a few years.

Sincerely, *Terence J Hankins* 6/20/2010
Terence J Hankins

Colorado Department Of Corrections

Name HANKINS, T.

Register Number 147323

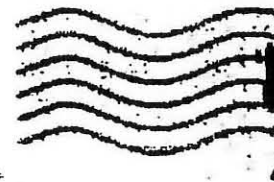
Unit 3B 107

Box Number 6000

City, State, Zip STERLING, CO 8079

DENVER CO 802

29 JUN 2010 PM 7 T



JOHN V. CORRA, DIRECTOR

WYOMING DEPT OF ENVIRONMENTAL QUALITY

122 West 25th ST

Cheyenne, WY 82002



Exhibit E

MEMORANDUM

TO: Environmental Quality Council

FROM: John V. Corra, Director, Wyoming Department of Environmental Quality

DATE: September 13, 2010

SUBJECT: Permit 255, Terry Hankins Bond Forfeiture, NOV Docket No. 4643-10

10-4501

FILED

JAN. 14, 2011 (RW)

Jim Ruby, Executive Secretary
Environmental Quality Council



Attached is the information related to the failure of Terry Hankins to complete the reclamation of this mining operation. The operator, Mr. Terry Hankins has not reclaimed the disturbance after being issued Notice Of Violation and Order, Docket No. 4643-10 on March 2, 2010. The Order required the reclamation to be completed by September 1, 2010. An inspection completed by Lowell Spackman and Bill Hogg on August 25, 2010, determined that the three requirements listed in the order had not been completed. The bond forfeiture is requested because he has not completed the reclamation.

I have determined that the bond for Permit 255, Terry Hankins, should be forfeited. I therefore seek your approval to request that the Attorney General begin bond forfeiture proceedings.

Should you have any questions, please contact the Land Quality Division Administrator.

cc: DEQ/LQD – Lowell Spackman
EQC Administrative Aid

Attachments

1/13/11
Date



Approved
Chairman, Environmental Quality Council

Exhibit F



Office of the Attorney General

Governor
Matthew H. Mead

Attorney General
Bruce A. Salzburg

Water and Natural Resources
Division
123 State Capitol
Cheyenne, Wyoming 82002
307-777-6946 Telephone
307-777-3542 Fax

Chief Deputy Attorney General
Elizabeth C. Gagen

Division Deputy
Jay A. Jerde

January 28, 2011

CERTIFIED MAIL # 7008-1830-0000-9283-5291
RETURN RECEIPT REQUESTED

Mr. Terry Hankins – Docket # 147323
c/o Sterling Correction Facilities
12101 Highway 61
Sterling, CO 80751-8428

**RE: Notice of Proposed Bond Forfeiture for Permit No. 255C; Notice of Violation
No. 4643-10**

Dear Mr. Hankins:

On March 2, 2010, the Department of Environmental Quality, Land Quality Division (DEQ) issued the above referenced notice of violation to you alleging a failure to conduct remediation at the mine in violation of the WYO. STAT. ANN. § 35-11-415. On January 13, 2011, the DEQ requested and received the Wyoming Environmental Quality Council's (EQC) approval to request that the Attorney General's Office initiate bond forfeiture proceedings for Permit 255C pursuant to WYO. STAT. ANN. § 35-11-421(a).

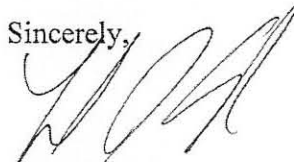
DEQ now seeks an order from the EQC to forfeit Permit 255C's reclamation bond, Colorado National Bank of Denver cashier's check no. 398684, in the amount of one thousand dollars (\$1,000.00). If the bond is forfeited, the DEQ will use the proceeds to reclaim the mine site located in Carbon County, Wyoming.

Mr. Terry Hankins
Jan. 28, 2011
Page 2 of 2

Pursuant to WYO. STAT. ANN. § 35-11-421(b), the Wyoming Attorney General's Office is hereby notifying you that the EQC will order the bond forfeited unless you make a written demand for a hearing to the EQC within thirty (30) days after receiving this notice.

If you have any questions concerning these proceedings, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'L. Esch', written over the word 'Sincerely,'.

Luke J. Esch
Assistant Attorney General

cc: Don McKenzie
file

Exhibit G

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Terry Hankins
c/o Sterling Correction facilities
12101 Hwy 61
Sterling, CO 80751-8428

2. Article Number
(Transfer from service label)

7008 1830 0000 9283 5291

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 X *Jason Mon* Agent
 Addressee

B. Received by (Printed Name) *Jason Mon* C. Date of Delivery *2/1/11*

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

Box 6009
Sterling, CO 80751

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes