

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

**IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF)
KURT POLLARD)
PERMIT NO. 226C)**

DOCKET NO. 10-4503

FILED
OCT 06 2011
Jim Ruby, Executive Secretary
Environmental Quality Council

ORDER OF BOND FORFEITURE

THIS MATTER came before the Wyoming Environmental Quality Council on a motion from the Wyoming Department of Environmental Quality (DEQ) for forfeiture of Mr. Kurt Pollard's reclamation performance bond for permit 226C. The Council, having reviewed the motion and having been otherwise fully informed, **MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Mr. Pollard posted a two hundred dollar (\$200.00) reclamation performance bond, in the form of a certificate of deposit, number 6333, issued by the First National Bank of Rawlins, now Bank of the West, allowing Mr. Pollard to conduct a mining operation located in west 1/2 of Section 32, Township 30N, Range 92W, in Fremont County, Wyoming.
2. The DEQ issued Notice of Violation No. 4760-10 to Mr. Pollard on November 9, 2010, because Mr. Pollard had 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 Mr. Pollard on January 13, 2011.

4. On January 28, 2011, the Office of the Attorney General mailed Notice of Bond Forfeiture to Mr. Pollard by certified mail. The notice stated that the Council would enter an order forfeiting Mr. Pollard's bond unless he made a demand for a hearing before the Council within thirty days. The Bank of the West was also sent a copy of the notice to Mr. Pollard by first class mail. Notice sent to Mr. Pollard was returned to the Office of the Attorney General on January 31, 2010, as "vacant" and "unable to forward." Neither the Office of the Attorney General nor the Council has a record of a request for a hearing before the Council from Mr. Pollard or Bank of the West.

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 certificate of deposit, number 6333, issued by the First National Bank of Rawlins, now Bank of the West in the amount of two hundred dollars (\$200.00).

The Environmental Quality Council, being otherwise fully advised in 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 Department for the reclamation of all lands affected by Mr. Pollard's mining operation under permit number 226C.

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 Mr. Pollard.

DATED this 5 day of 10, 2011.

WYOMING ENVIRONMENTAL QUALITY
COUNCIL



Chairman

CERTIFICATE OF SERVICE

I, Kim Waring, certify that at Cheyenne, Wyoming, on the 6th day of October, 2011, I served a copy of the foregoing **ORDER OF BOND FORFEITURE** by electronic mail to the following:

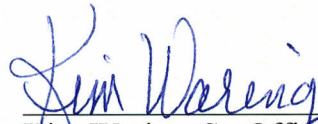
John Corra
Director, DEQ
john.corra@wyo.gov

Nancy Nuttbrock, Administrator
DEQ Land Division
nancy.nuttbrock@wyo.gov

Luke Esch
Asst. Attorney General
lesch@state.wy.us

also by depositing the same in the United States mail addressed to:

Mr. Kurt Pollard
4307 West 5615 South
Kearns, UT 84118



Kim Waring, Sr. Office Support Spec.
Environmental Quality Council
122 W. 25th, Rm. 1714
Herschler Bldg.
Cheyenne, WY 82002
Phone: 307-777-7170
FAX: 307-777-6134