


**MEMORANDUM**

**TO:** Environmental Quality Council   
**FROM:** Todd Parfitt – WDEQ Director  
**DATE:** April 29, 2016  
**RE:** Bond Forfeiture Recommendations for Red Desert Gravel, Abandoned Limited Mining Operations No. 1305ET and 1358ET; and Jim Wise, Abandoned Limited Mining Operation No. 1276ET.

Attached is information relating to the failure of Red Desert Gravel (Mr. Jim Wise, Agent) to reclaim lands affected by gravel mining under Limited Mining Operation (LMO) Nos. 1276ET and 1305ET as well as abandonment of a scoria mine authorized under Limited Mining Operation No. 1358ET.

The operator, Red Desert Gravel, is no longer licensed to do business in Wyoming and the minerals leases have expired for each operation. I have therefore determined that the three reclamation performance bonds posted by Red Desert Gravel/Mr. Jim Wise should be forfeited at this time.

I have determined that the bond for these LMO Permits Red Desert Gravel (Mr. Jim Wise, Agent), 1305ET, 1358ET, and Jim Wise 1276ET 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 Kyle Wendtland, LQD Administrator.

cc. Robin Jones – LQD District I Supervisor  
John Erickson – LQD District II Supervisor  
Rick Fairservis – EQC Secretary

Attachments: Director Parfitt Memo and File Memorandums

\_\_\_\_\_  
Date

\_\_\_\_\_  
Approved  
Chairman, Environmental Quality Council

## MEMORANDUM

**TO:** Todd Parfitt – DEQ Director  
**THROUGH:** Kyle Wendtland – LQD Administrator *KW*  
**FROM:** Brian Goodnough – LQD District I Surface Water Hydrologist  
Mila Ready – LQD District II Natural Resources Analyst  
**DATE:** January 28, 2016  
**RE:** Bond Forfeiture Recommendation –Red Desert Gravel, Limited Mining Operation Nos. 1305ET and 1358ET; Jim Wise Limited Mining Operation No. 1276ET.

Notices of Violation Docket No. 5490-14 and Docket No. 5491-14 (enclosed) were issued by the Department on October 22, 2014 to Red Desert Gravel (care of Mr. Jim Wise) of Green River, Wyoming for administrative and compliance issues pertaining to the above-referenced Limited Mining Operations. The NOV's were returned as "unclaimed" to the Department on November 19, 2014. Red Desert Gravel was administratively dissolved by the Secretary of State's Office on February 9, 2010 for non-payment of taxes. Anadarko Petroleum Corporation terminated the minerals lease (ALC Lease File 248-WY-680-01) for the aforementioned LMO's on September 24, 2014.

Notice of Violation Docket No. 5511-14 (enclosed) was issued to Mr. Jim Wise on December 15, 2014 for administrative and compliance issues pertaining to the above referenced Limited Mining Operation. The NOV was returned as "unclaimed" to the Department on January 12, 2015.

I recommend that the following reclamation performance bonds be forfeited at this time:

1. 1305ET (Bitter Creek Pit) - \$10,000 Certificate of Deposit issued by Rock Springs National Bank (Bond No. 10003329);
2. 1358ET (Anadarko Pit) - \$10,000 Certificate of Deposit issued by Rock Springs National Bank (Bond No. 10003156);
3. 1276ET (Jim Wise Bar X Road Pit) - \$9,000 Certificate of Deposit issued by Rock Springs National Bank (Bond No. 10002967).

### Reclamation requirements:

1. 1305ET – This gravel pit is located on Anadarko land two miles south of Interstate 80 on Bitter Creek Road (45 miles east of Rock Springs, WY). It affects approximately 13 acres and will require repair of an erosional headcut, as well as disking and re-seeding of the reclaimed pit and two access road segments. Estimated cost of reclamation = \$14,000.
2. 1358ET - This scoria pit is located on Anadarko lands approximately 6 miles south of Creston Junction (30 miles west of Rawlins, WY). Due to the lack of available topsoil and required backfill and grading, the estimated cost of reclamation for the 6 acre pit and .75 mile access road is \$22,000.

3. 1276ET – This gravel pit is located on Bureau of Land Management (BLM) lands 70 miles east of Rock Springs, WY and 30 miles north of Interstate 80 on Bar X Road (Sweetwater County Road 4-21). Due to the travel distance to this site, the estimated cost of reseeded the 9 acre pit is \$9,000.

Please feel free to contact me if you should require any additional information.

Encl: Notice of Violation Docket Nos. 5490-14, 5491-14, 5511-14; file memorandums; draft memo to EQC

xc: John Erickson – Lander DEQ/LQD > 1305ET, 1358ET & 1276ET files  
Cheyenne DEQ/LQD > 1305ET, 1358ET & 1276ET files  
Chron

## MEMORANDUM

**TO:** 1276ET File  
**FROM:** Mila Ready – LQD District II Natural Resources Analyst *MR*  
**DATE:** January 16, 2015  
**RE:** Chronology for Bond Forfeiture Recommendation –Jim Wise,  
Limited Mining Operation No. 1276ET

This Limited Mining Operation was approved on May 6, 2004 for Jim Wise to affect 9 acres. A bond in the amount of \$9,000 (CD #10002967 issued by the Rock Springs National Bank) is currently held by the Land Quality Division as the reclamation performance bond. The LMO is located on Bureau of Land Management (BLM) lands in the E½NE¼NE¼SW¼, W½NW¼NW¼SE¼ Section 05, T.23.N, R.98W., 6<sup>th</sup> P.M., Sweetwater County, Wyoming.

The August 11, 2005 Inspection Report indicated topsoil stockpile identification signs had not been installed. The 2005 Annual Report indicated that five (5) acres were disturbed since mining began and that 35,000 tons of gravel material had been mined. The 2006 Annual Report indicated that no mining occurred during that reporting period.

On April 12, 2008, LQD received a Notice of Intent to Cancel issued by the BLM-Rock Springs Field Office which cited compliance issues pursuant to contract number WYW160010. The Notice discusses visual impacts of the mining operation, garbage/disassembled equipment, and improper fuel storage. On July 21, 2008 LQD received a second Notice pertaining to contract number WYW167605 which cited visual impacts (inoperable vehicles) and failure to provide production reports for WYW160010 and WYW167605.

The July 21, 2008 Inspection Report indicated that the compliance issues relating to topsoil salvage/signage, inoperable equipment, and fuel spills as well as the previously documented concerns. The operator was also reminded to submit delinquent Annual Reports.

The September 21, 2009 Inspection Report indicated that the equipment had been removed, and site grading was complete. The operator was reminded that the permit identification sign would require replacement until the site was released. The October 12, 2011 report indicated that seeding has occurred, but weed infestations were noted. The operator has not provided any seeding information (rate/species) to LQD.

The August 8, 2012, September 15, 2013, and May 5, 2014 Inspection Reports reiterated the permit signage issue and lack of established vegetation. The reports also requested seeding information and delinquent Annual Reports (2006-2013), and requested reseeded the site to address the reclamation failure. None of the requested actions have been fulfilled by the operator to date.

On October 30, 2013, LQD was notified that the BLM contract had expired on April 28, 2013 and the operator was required to pay an outstanding balance of \$12,743.50.

Notice of Violation Docket No. 5511-14 was issued by the Department on December 15, 2014 to Red Desert Gravel of Green River, Wyoming for multiple administrative and compliance issues. The NOV was returned as "unclaimed" to the Department on January 12, 2015.

xc: John Erickson – Lander DEQ/LQD > 1276ET File  
Cheyenne DEQ/LQD > 1276ET File  
Chron

MEMORANDUM

**TO:** 1305ET File  
**FROM:** Mila Ready – LQD District II Natural Resources Analyst *MR*  
**DATE:** December 4, 2014  
**RE:** Chronology for Bond Forfeiture Recommendation –Red Desert Gravel, Limited Mining Operation No. 1305ET

This Limited Mining Operation was approved on April 20, 2005 for Red Desert Gravel to affect 10 acres. A bond in the amount of \$10,000 (CD #10003329 issued by the Rock Springs National Bank) is currently held by the Land Quality Division as the reclamation performance bond. The LMO is located on Anadarko Petroleum Corp. lands in the center of the W ½ W ½ NW ¼, Section 23, T.18.N, R.99W., 6<sup>th</sup> P.M., Sweetwater County, Wyoming. Red Desert Gravel was administratively dissolved by the Wyoming Secretary of State on February 9, 2010 for non-payment of taxes.

The September 20, 2005 Inspection Report indicated that there were compliance issues relating to topsoil salvage, topsoil stockpile protection, and topsoil signage.

The August 22, 2007 Inspection Report indicated that there were compliance issues relating to topsoil salvage/protection, temporary seeding of topsoil stockpiles, topsoil stockpile signage, improper fuel storage, and delinquent Annual Reports.

The September 19, 2008 Inspection Report indicated that the aforementioned issues had not been addressed by the operator. In addition, the disturbance had also exceeded the approved 10 acres and would require 3.25 acres of reclamation to be in compliance. Erosion repairs were also requested at this time.

The September 21, 2009 Inspection Report indicated that the site had been completely graded but no seeding had occurred. Delinquent Annual Reports and erosion repairs were once again requested.

A faxed copy of the reclamation seed mix was received on August 25, 2010 which indicated that 80 pounds of pure live seed (PLS) was applied to the 13+ acre disturbance. This equates to approximately 6 lbs/ac PLS. LQD does not consider this to be an adequate seeding rate.

The August 3, 2010 and October 7, 2011 Inspection Reports reiterated the request for Annual Reports and erosion repairs.

The June 25, 2012 Inspection Report documents the lack of suitable vegetation at the site after two growing seasons. In addition to reiterating the request for Annual Reports and erosion repairs, LQD also requested that the site be reseeded after erosion repairs were complete. The July 22, 2013 and May 21, 2014 reports document the same requests.

To date, Red Desert Gravel has made no attempt to repair the erosion on the northern end of the site, submit delinquent Annual Reports, or address the reclamation/seeding failure at this site.

As a result of these, and other compliance issues documented at Red Desert Gravel's Anadarko Pit (ET1358), Anadarko Petroleum Corp. terminated the minerals lease on September 24, 2014 (ALC Lease File 248-WY-680-01 applied to both ET1305 and ET1358).

Notice of Violation Docket No. 5490-14 was issued by the Department on October 22, 2014 to Red Desert Gravel of Green River, Wyoming for multiple administrative and compliance issues. The NOV was returned as "unclaimed" to the Department on November 19, 2014.

xc: John Erickson – Lander DEQ/LQD > 1305ET File  
Chron

## MEMORANDUM

**TO:** 1358ET File  
**FROM:** Mila Ready – LQD District II Natural Resources Analyst *MR*  
**DATE:** December 4, 2014  
**RE:** Chronology for Bond Forfeiture Recommendation –Red Desert Gravel, Limited Mining Operation No. 1358ET

This Limited Mining Operation was approved on July 21, 2006 for Red Desert Gravel to affect 10 acres. A bond in the amount of \$10,000 (CD #10003156 issued by the Rock Springs National Bank) is currently held by the Land Quality Division as the reclamation performance bond. The LMO is located on Anadarko Petroleum Corp. lands in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 25, T.20.N, R.92W., 6<sup>th</sup> P.M., Sweetwater County, Wyoming. Red Desert Gravel was administratively dissolved by the Wyoming Secretary of State on February 9, 2010 for non-payment of taxes.

The July 10, 2007 Inspection Report indicated that there were compliance issues relating to the 20-30' wide topsoil stockpile which had been located on BLM lands without authorization, as well as mineral materials encroaching on to native ground and pushed in to natural drainages.

The July 23, 2008 Inspection Report indicated that there were compliance issues relating to hydrocarbon (grease/oil) storage issues as well as the previously documented concerns.

The September 15, 2009 Inspection Report reiterated the same compliance issues relating to signage and fuel storage, as well as the accumulation of garbage, miscellaneous equipment (some on native ground). All delinquent Annual Reports were also requested at this time.

The June 21, 2010 Inspection Report documented that fuel was appropriately stored. However, the operator was again reminded to submit the delinquent Annual Reports. LQD received the 2007-2008, 2008-2009, and 2009-2010 reports via fax on August 2, 2010.

The June 16, 2011; May 15, 2012; May 14, 2013; and May 20, 2014 Inspection Report continue to document the same compliance issues relating to fuel and equipment storage. The 2012 and 2013 Inspection Reports document undermining of the topsoil stockpile on the eastern margin of the disturbance. This practice had ceased by the 2014 inspection, but none of the requested protective stockpile measures had been implemented. Delinquent Annual Reports were again requested in each report, but LQD has not received any further Annual Reports from this operator since 2010.

LQD visited the site again on September 8, 2014 to verify if the operator had complied with the May 2014 requests. LQD and BLM Rawlins determined that all Red Desert



Gravel equipment had been removed from the site, and that another operator (Pitt Construction) was hauling scoria from the pit. LQD contacted Anadarko Petroleum Corp. with the information on September 20, 2014. Rolls of conveyor belting, used tires, and other trash remain onsite, and no reclamation work has been performed although it appeared that Red Desert Gravel had abandoned the site.

Notice of Violation Docket No. 5491-14 was issued by the Department on October 22, 2014 to Red Desert Gravel of Green River, Wyoming for multiple administrative and compliance issues. The NOV was returned as "unclaimed" to the Department on November 19, 2014.

xc: John Erickson – Lander DEQ/LQD > 1358ET File  
Cheyenne DEQ/LQD > 1358ET File  
Chron