

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

**JAN 25 2007**

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE BOND            )  
FORFEITURE PROCEEDINGS            )  
AGAINST THE BOND OF                )     Docket No.  
COUNTRYSIDE CONSTRUCTION, INC., )  
LIMITED MINING OPERATION 1015ET. )

***MOTION FOR BOND FORFEITURE ORDER***

The Department of Environmental Quality, Land Quality Division (LQD), by and through the Office of the Attorney General, pursuant to Wyo. Stat. § 35-11-421(b), moves the Council for an order forfeiting Countryside Construction, Inc.'s (Countryside) reclamation performance bond, and as grounds for this motion, offers the following:

1. On September 4, 1996, the LQD approved permit 1015ET to Countryside to conduct a non-coal limited mining operation located in the SW1/4SW1/4 Section 4, T.21N, R.117W, Lincoln County, Wyoming. Countryside posted a two thousand dollar (\$2,000.00) reclamation performance bond, in the form of Certificate of Deposit No. 1771849, issued by Key Bank of Kemmerer now Community First National Bank, 801 Pine Avenue, Kemmerer, Wyoming 83101.
2. The DEQ issued Notice of Violation No. 3915-06 to Countryside on July 12, 2006 because the mining site had been inactive since at least April 6, 2005, and Countryside had failed to commence reclamation of the area disturbed during its mining operation.

In addition, Countryside had not filed an annual report with LQD since December 19, 2003.

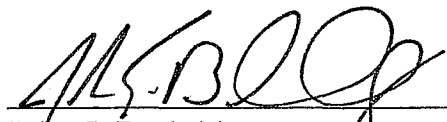
3. Based on these facts, the DEQ determined Countryside's reclamation performance bond should be forfeited.
4. On August 9, 2006 Brad McClaren of Countryside executed a voluntary bond forfeiture form. Exhibit A.
5. The DEQ requested that the Environmental Quality Council approve this proceeding on October 1, 2006.
6. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Countryside on October 10, 2006.
7. The DEQ then requested that the Office of the Attorney General begin this proceeding.
8. On December 18, 2006, the Office of the Attorney General mailed notice to Countryside by certified mail that the Council would enter an order forfeiting its bond unless a demand for a hearing before the Council was made within thirty days.
9. Countryside received the notice on December 19, 2006.
10. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Countryside.
11. Wyo. Stat. § 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 bond forfeited.

12. In addition, Countryside has executed a voluntary bond forfeiture agreement for permit 1015ET. In the agreement, Countryside waives its right to a hearing and acknowledged that it knew that the Environmental Quality Council would forfeit its bond.
13. Countryside 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 Countryside Construction, Inc. to forfeit its reclamation performance bond to the DEQ to be used to reclaim those lands affected by Countryside's mining activities under permit 1015ET.

Respectfully submitted this 25<sup>th</sup> day of January, 2007.

FOR THE DEPARTMENT OF ENVIRONMENTAL  
QUALITY, LAND QUALITY DIVISION



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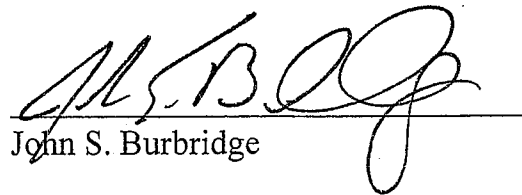
John S. Burbridge  
Senior Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, Wyoming 82002  
(307) 777-7841

CERTIFICATE OF SERVICE

I, John S. Burbridge, hereby certify that on January 25, 2007, I served a true copy of the foregoing MOTION FOR BOND FORFEITURE ORDER as follows:

Mr. Brad McClaren  
425 Pepper Creek Road  
Hay Springs, Nebraska 69347

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

  
John S. Burbridge


WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY  
LAND QUALITY DIVISION  
VOLUNTARY BOND FORFEITURE AGREEMENT

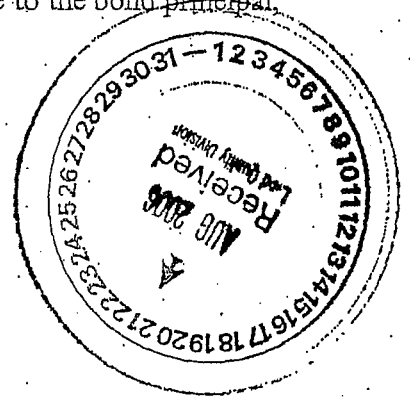
I, Brad McClaren, dba Countryside Construction, Inc., operated Limited Mining Operation Notification No. 1015ET, issued by the Wyoming Department of Environmental Quality, Land Quality Division on September 4, 1996.

Mr. McClaren is no longer willing or able to mine or reclaim the mine site pursuant to the requirements of Limited Mining Operation Notification No. 1015ET.

Mr. McClaren posted a \$2,000 reclamation bond with the Department as a condition of the Limited Mining Operation Notification. I agree to voluntarily forfeit this bond to the Department for purposes of reclaiming the lands affected by the mining operation.

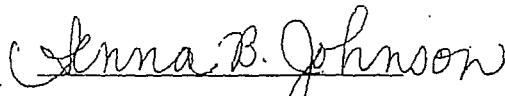
Pursuant to Wyoming Statute 35-11-421 I understand that I have a right to a hearing before the Wyoming Environmental Quality Council to dispute any action taken by the Department to forfeit this bond. By this agreement I waive my right to a hearing and understand that the Council will order this bond forfeited, thereby terminating any right I have to the bond principal, except for any amount remaining after reclamation is completed.

  
(signature) Brad McClaren



STATE OF Nebraska )  
) SS  
COUNTY OF Dawes )

Subscribed and sworn to before me on this 9<sup>th</sup> day of August, 2006.

  
Notary Public

My Commission Expires: 4/24/2010

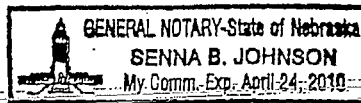


EXHIBIT  
A