

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAR 01 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)

ORDER OF BOND FORFEITURE

THIS MATTER having come before the Wyoming Environmental Quality Council on a motion from the Department of Environmental Quality for bond forfeiture against Countryside Construction, Inc., and the Council having reviewed the motion and having been otherwise fully informed in the premises MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

1. Countryside Construction, Inc. posted a two thousand dollar (\$2000.00) reclamation performance bond, in the form of Certificate of Deposit No. 771849, issued by Key Bank of Kemmerer now Community First National Bank, 801 Pine Avenue, Kemmerer, Wyoming 83101 to conduct a limited mining operation located in the SW1/4SW1/4 Section 4, T.21N, R.117W, Lincoln County, Wyoming.
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. 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.

4. Countryside received the notice on December 19, 2006.

5. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Countryside.

6. 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 Council shall order the bond forfeited.

7. 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.

8. The record in this matter establishes that Countryside knew of its rights regarding bond forfeiture. As such, bond forfeiture is appropriate in this case pursuant to WYO. STAT. ANN. § 35-11-421, for Certificate of Deposit No. 771849, issued by Key Bank of Kemmerer now Community First National Bank, 801 Pine Avenue, Kemmerer, Wyoming 83101

The Council, being otherwise fully advised on the premises, HEREBY ORDERS:

1. The aforementioned reclamation performance bond 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 operation.

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 Brad McClaren, owner of Countryside Construction, Inc., if he can be found.

DATED this 28 day of February, 2007.

WYOMING ENVIRONMENTAL QUALITY COUNCIL


Chairman

CERTIFICATE OF SERVICE

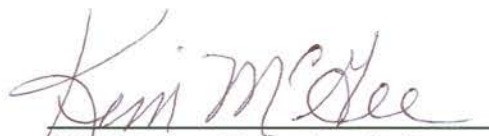
I, Kim McGee, certify that at Cheyenne, Wyoming, on the **1st day of March, 2007**, I served a copy of the foregoing **ORDER** by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

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

also to the following persons via interoffice mail:

John S. Burbridge
Sr. Assistant Attorney General
123 Capitol Building
Cheyenne, WY 82002

Rick Chancellor
Dept. Of Environmental Quality
Land Quality Division
122 W. 25th St.
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