

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

IN THE MATTER OF THE BOND)
FORFEITURE PROCEEDINGS)
AGAINST THE BOND OF) **Docket No. 20-4502**
In RE Yellowstone Landscaping, Inc.)
ET1419)

BOND FORFEITURE ORDER

This matter having come before the Wyoming Environmental Quality Council on the Wyoming Department of Environmental Quality, Land Quality Division’s motion for forfeiture of Yellowstone Landscaping, Inc.’s (Yellowstone) reclamation performance bond for Limited Mining Operation No. ET1419, and the Council having reviewed the motion and being otherwise fully informed, makes the following findings of fact and conclusions of law:

1. Yellowstone posted a two thousand five hundred dollar (\$2,500.00) reclamation bond, in the form of a Certificate of Deposit issued by the Big Horn Federal Savings Bank (Bond No. 1177), for the Limited Mining Operation No. ET1419. Under LMO No. ET1419, Yellowstone was authorized to operate a 2.5 acre gravel pit located in Tract 43R, Section 30, Township 56 North, Range 98 West, four miles northeast of Powell, Wyoming.

2. On June 9, 2014, the Secretary of State’s Office administratively dissolved Yellowstone for failure to pay taxes.

3. On August 29, 2018, the Department issued Yellowstone a Notice of Violation for LMO No. ET1419 (Docket 5869-18) for administrative and compliance issues related to its gravel mining operations, including failure to commence reclamation of the Topsoil Pit.

4. There currently is no authorized mining activity at LMO ET1419. Yellowstone has failed to reclaim the mining site.

5. The Council approved the Department's request to initiate bond forfeiture proceedings against Yellowstone on August 19, 2020.

6. On September 1, 2020, the Attorney General's Office sent a Notice of Bond Forfeiture to Yellowstone, Daniel May, and Big Horn Federal Savings Bank by certified mail. The Notice stated the Council would enter an order forfeiting Yellowstone's bond unless a demand for a hearing before the Council was made within thirty days. The notices to Yellowstone and Daniel May could not be delivered. Big Horn Federal Savings Bank received the notice on September 3, 2020.

7. On September 9, 2020, the Attorney General's Office sent another copy of the notice to Daniel May at the mailing address he provided, P.O. Box 661, Cowley, Wyoming 82420.

8. Neither the Wyoming Attorney General's Office nor the Council has a record of a request for a hearing before the Council from Yellowstone, Daniel May, or Big Horn Federal Savings Bank.

9. The Department has satisfied all requirements for bond forfeiture pursuant to Wyo. Stat. Ann. § 35-11-421.

Therefore, the Council hereby orders:

1. Reclamation Bond No. 1177 in the amount of two thousand five hundred dollars (\$2,500.00) is forfeited to the Department for use by the Department to reclaim all lands affected by Yellowstone at Limited Mining Operation No. ET1419.
2. Any funds remaining after reclamation shall be returned to Yellowstone.

DATED this ____ day of _____, 2020.

John Corra, Chairman
Environmental Quality Council