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Attorney for the Department of Environmental Quality

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

**In the Matter of the Bond Forfeiture)
Proceedings against the Bond of) Docket No. 22-4502
In Re Twenty Mile, LLC)
LMO ET1314)**

MOTION FOR BOND FORFEITURE

The Department of Environmental Quality, Land Quality Division, through the Wyoming Attorney General's Office, moves the Environmental Quality Council for an order forfeiting Twenty Mile, LLC's (Twenty Mile) reclamation performance bond pursuant to Wyo. Stat. Ann. § 35-11-421(b). In support of said motion the Department states as follows:

1. On May 31, 2005, the Department issued Limited Mining Operation (LMO) number ET1314 to Twenty Mile, LLC. The LMO is located in the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of Section 11, Township 52 North, Range 75 W in Campbell County, Wyoming. Twenty Mile disturbed approximately 4.9 acres through its mining activity at ET1314. (Wendtland Aff. ¶ 3).

2. Pursuant to Wyo. Stat. Ann. § 35-11-401(e)(vi)(B), Twenty Mile posted a bond for the reclamation of surface disturbance at ET1314 after mining operations ceased. Specifically, Twenty Mile posted a ten thousand dollar (\$10,000.00) Certificate of Deposit Number 8100707, issued by American National Bank. (Wendtland Aff. ¶ 4). Exhibit A.

3. On October 9, 2013, the Wyoming Secretary of State administratively dissolved Twenty Mile for delinquent taxes. Exhibit B. As a result, Twenty Mile is no longer registered to do business in the State of Wyoming. (Wendtland Aff. ¶ 5).

4. Twenty Mile has not engaged in mining at ET1314 since 2014. Twenty Mile submitted its last Annual Report for ET1314 in May 2016. (Wendtland Aff. ¶ 6).

5. Twenty Mile has not reclaimed any portion of the surface disturbance at ET1314. (Wendtland Aff. ¶ 7).

6. On January 20, 2022, the Department issued Twenty Mile a Notice of Violation for abandonment and failure to reclaim LMO ET1314 (Docket No. 6137-22). (Wendtland Aff. ¶ 8). Exhibit C.

7. Based on the facts set forth above, the Department determined that Twenty Mile's reclamation performance bond should be forfeited. (Wendtland Aff. ¶ 9)

8. On May 19, 2022, in accordance with Wyo. Stat. Ann. § 35-11-421(a), Director Todd Parfitt filed a Bond Forfeiture Recommendation with the Council requesting approval to have the Attorney General's Office begin bond forfeiture proceedings against Twenty Mile. (Wendtland Aff. ¶ 10).

9. On June 14, 2022, the Council approved the Department's request to initiate bond forfeiture proceedings against Twenty Mile. (Wendtland Aff. ¶ 11).

10. On June 21, 2022, the Attorney General’s Office sent notice of the forfeiture proceedings to Twenty Mile, and American National Bank by certified mail. The surface owner, and the Bureau of Land Management were also sent notice of the forfeiture proceedings. Exhibit D.

11. The notice stated that Bond 8100707 in the amount of ten thousand dollars (\$10,000.00), would be forfeited unless Twenty Mile made a written demand to the Council for a hearing within thirty days of receipt of the notice. *Id.*

12. Notice was delivered to Twenty Mile on July 7, 2022 and on American National Bank on June 23, 2022. Exhibit E.

13. Neither the Attorney General’s Office nor the Council have received a hearing request from Twenty Mile.

14. If the operator does not demand a hearing before the Council within thirty days of receipt of notice, the Council shall order the bond forfeited. Wyo. Stat. Ann. § 35-11-421(b).

WHEREFORE, the Department requests the Council enter an order forfeiting Twenty Mile, LLC’s reclamation bond of \$10,000.00, to be used by the Department to reclaim the land affected by Twenty Mile, LLC’s mining activities under ET1314.

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Dated this 12th day of August, 2022.



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*Attorney for the Department of
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CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing upon the persons listed below by U. S. mail, postage prepaid, this 12th day of August, 2022:

Wyoming EQC (Original) – **By Inter-Agency Mail**

Attn: Joe Girardin
2300 Capitol Ave.
Hathaway Bldg. 1st, Room 136
Cheyenne, Wyoming 82002

Twenty Mile, LLC – **By US Mail**

Attn: Betty Ann Malli
P.O. Box 66
Arvada, Wyoming 82831

American National Bank – Buffalo – **By US Mail**

99 S. Main Street
Buffalo, WY 82834



Cheryl Lobb, Paralegal
Wyoming Attorney General's Office