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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. 22-4501
In Re RDG Oil & Gas, LLC)
LMO ET1337)**

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 RDG Oil and Gas, LLC's (RDG) reclamation performance bond pursuant to Wyo. Stat. Ann. § 35-11-421(b). In support of said motion the Department states as follows:

1. On January 12, 2006, the Department issued Limited Mining Operation (LMO) number ET1337 to RDG Oil & Gas, LLC. The LMO is located in Section 21, Township 41 North, Range 81 W, approximately fifteen miles south southeast of Kaycee, Wyoming. RDG disturbed approximately 2.75 acres through its mining activity at ET1337. (Wendtland Aff. ¶ 3).

2. Pursuant to Wyo. Stat. Ann. § 35-11-401(e)(vi)(B), RDG posted a bond for the reclamation of surface disturbance at ET1337 after mining operations ceased. Specifically, RDG posted a ten thousand dollar (\$10,000.00) Certificate of Deposit, Bond No. 585352, issued by Washington Trust Bank. (Wendtland Aff. ¶ 4). Exhibit A.

3. On March 11, 2014, the Wyoming Secretary of State administratively dissolved RDG for delinquent taxes. Exhibit B. As a result, RDG is no longer registered to do business in the State of Wyoming. (Wendtland Aff. ¶ 5).

4. RDG has not engaged in mining at ET1337 since 2012. RDG submitted its last Annual Report for ET1337 in March 2014. (Wendtland Aff. ¶ 6).

5. RDG has not reclaimed any portion of the surface disturbance at ET1337. (Wendtland Aff. ¶ 7).

6. On January 7, 2022, the Department issued RDG a Notice of Violation for administrative issues and failure to commence reclamation at ET1337 (Docket No. 6127-21). (Wendtland Aff. ¶ 8). Exhibit C.

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

8. On March 9, 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 RDG. (Wendtland Aff. ¶ 10).

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

10. On June 21, 2022, the Attorney General’s Office sent notice of the forfeiture proceedings to RDG and to Washington Trust Bank by certified mail. Exhibit D.

11. The notice stated that Bond No. 585352 in the amount of ten thousand dollars (\$10,000.00), would be forfeited unless RDG made a written demand to the Council for a hearing within thirty days of receipt of the notice. *Id.*

12. The notice sent to RDG Oil and Gas was returned to the Attorney General’s Office as undeliverable. The Attorney General’s Office was unable to obtain a new mailing address for RDG Oil and Gas. Exhibit E.

13. Notice was delivered to Washington Trust Bank on July 5, 2022. Exhibit F.

14. Neither the Attorney General’s Office nor the Council has received a hearing request from RDG.

15. 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 that the Council enter an order forfeiting RDG Oil & Gas, LLC’s reclamation bond of \$10,000.00, to be used by the Department to reclaim the lands affected by RDG Oil & Gas, LLC’s mining activities under ET1337.

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Dated this 12th day of August, 2022.



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*Attorney for the Department of
Environmental Quality*

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

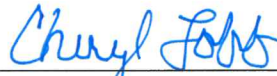
Attn: Joe Girardin
2300 Capitol Ave.
Hathaway Bldg. 1st, Room 136
Cheyenne, Wyoming 82002

RDG Oil and Gas LLC – By US Mail

Attn: Christopher Osborne-Moss
708 South Clearwater Loop, Suite 106
Post Falls, Idaho 83854

Washington Trust Bank – By US Mail

Attention: Hayden Branch
P.O. Box 2127
Spokane, WA 99210-2127



Cheryl Lobb, Paralegal
State of Wyoming – Attorney General