



Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor

Todd Parfitt, Director

CERTIFIED MAIL, RETURN RECEIPT REQUEST# 70173040000060696708

Mr. Steve Lenz
Wyoming Environmental Quality Council
2300 Capitol Avenue
Hathaway Building 1st, Room 136
Cheyenne, WY 82002

RE: Bond Forfeiture Recommendation - Cedar Rim Opal LLC, License to Explore No. LE0306

Dear Mr. Lenz:

Attached is the required information relating to the failure of Cedar Rim Opal LLC to reclaim lands affected by exploration under License to Explore (LE) No. LE0306. Cedar Rim Opal LLC is no longer licensed to do business in Wyoming.

I have reviewed the supporting information presented in the attached File Memorandum and have determined that the following performance bonds for LE No. LE0306 should be forfeited:

\$5,000 Paul M. Kraus and Julie A. Kraus Check No. 2623
\$10,000 U.S. Bank Cashier's Check No. 3754506961

At this time, in accordance with W.S. § 35-11-421(a), I am seeking approval from the Wyoming Environmental Quality Council (EQC) to make a formal request of the Attorney General to begin bond forfeiture proceedings for the aforementioned bonds.

Should you have any questions, please contact Kyle Wendtland, WDEQ/LQD Administrator at (307) 777-7655 or kyle.wendtland@wyo.gov

Sincerely,

Todd Parfitt
Director, WDEQ

Date: March 5, 2024

Attachments: LE0306 File Memorandum, NOV Docket No. 6200-23

cc: Kyle Wendtland, WDEQ/LQD Administrator
Nancy Williams, WDEQ/LQD District 2 Supervisor
J.D. Radakovich, EQC Secretary
Tom Sunderland, BLM Lander Field Office

MEMORANDUM

TO: Todd Parfitt, WDEQ Director *TP 2/27/24*

THROUGH: Kyle Wendtland, WDEQ/LQD Administrator *KW*
Nancy Williams, WDEQ/LQD District 2 Supervisor *NW*

FROM: Matthew Dillon, WDEQ/LQD District 2 Natural Resources Program Principal *MD*

DATE: February 27, 2024

SUBJECT: Bond Forfeiture Recommendation - Cedar Rim Opal LLC, License to Explore No. LE0306

Background:

Authorization for License to Explore LE0306 was granted to Cedar Rim Opal LLC on August 13, 2014. The exploration operation is located in the E2SE4SW4 and W2SW4SE4, Section 12, T. 31N., R. 95W., which is in Fremont County approximately 32 miles southeast of Lander. The operation is on federal land managed by the Bureau of Land Management (BLM) and is also within the Greater South Pass Sage-grouse Core Area.

Approximately 1.5 acres of land has been affected at the operation. The License to Explore expired in 2019, but the operation was not subsequently reclaimed. Notice of Violation (NOV) Docket No. 6200-23 was issued on March 8, 2023 as a result of this. To date, there has been no response to the NOV; and the operation remains unreclaimed.

I therefore recommend forfeiture of the following reclamation performance bonds for LE0306:

- Paul M. Kraus and Julie A. Kraus Check No. 2623 \$ 5,000
- U.S. Bank Cashier's Check No. 3754506961 \$ 10,000
\$ 15,000

Reclamation Requirements:

A reclamation cost estimate for LE0306 was developed based upon the existing liabilities present at the operation. The estimate was based upon rates in the December 2023 versions of WDEQ/LQD Guidelines 12 and 12A.

Existing liabilities at the 1.5 acre operation include an exploration pit, a corresponding spoil stockpile, two topsoil stockpiles, and associated disturbance. There is an adequate amount of spoil and topsoil to reclaim the area back to its postmining land uses of wildlife habitat and grazingland. Also, approximately one half of the operation is within a fenced area while the remainder is just outside of this area. Additional fencing will be required around the outside area following its reclamation. All fencing will need to be removed following successful

revegetation. Reclamation costs are estimated to be \$20,300, which is \$5,300 more than the total bond currently held by WDEQ.

Pertinent History:

Below is a current chronology of pertinent events for LE0306:

- 08/14/2014 – WDEQ/LQD approved LE0306.
- 08/2015 – The last known significant exploration activities occurred at LE0306.
- 09/19/2016 – WDEQ/LQD received a Small Mine Permit application (TFN 6 2/224) from Cedar Rim Opal LLC for the lands under LE0306.
- 10/19/2016 – WDEQ/LQD declared Cedar Rim Opal LLC’s Small Mine Permit application administratively complete except for the surface owner consent from the BLM, including their clearance of cultural resources around the proposed permit area.
- 09/12/2019 – The 2019 Renewal Request for LE0306 was approved. This would be the operation’s final approved Renewal.
- 09/17/2019 – Cedar Rim Opal LLC’s Small Mine Permit application was terminated due to the challenges the company had with addressing the aforementioned cultural resources.
- 06/19/2020 – WDEQ/LQD mailed the 2020 Inspection Report for LE0306. The inspection report included a request to contact WDEQ/LQD by August 1, 2020 to discuss plans to either complete the Small Mine Permit application process or to commence reclamation.
- 07/30/2020 – WDEQ/LQD received the 2020 Renewal Request for LE0306. This was the only communication received from Cedar Rim Opal LLC following the 2020 Inspection Report; WDEQ/LQD was not contacted to discuss plans for the operation.
- 10/27/2020 – WDEQ/LQD mailed a review of the 2020 Renewal Request for LE0306. The review specified that a revised version of the request was required by November 30, 2020. Cedar Rim Opal LLC never responded to this review, and LE0306 thus expired.
- 01/2021 – WDEQ/LQD contacted Cedar Rim Opal LLC by telephone to provide reminder that LE0306 had expired and that the operation needed to either be permitted or reclaimed.
- 06/24/2022 – The BLM issued a Decision on the determination that the exploration operation, authorized by the BLM under a Plan of Operations (WYW-168642), was

considered abandoned and that reclamation was to commence within 90 days of Cedar Rim Opal LLC's receipt of the Decision.

- 08/09/2022 – Cedar Rim Opal LLC was administratively dissolved by the Wyoming Secretary of State's Office.
- 09/06/2022 – Cedar Rim Opal LLC received the 2022 Inspection Report for LE0306 via Certified Mail. The report included a request to commence reclamation activities no later than October 1, 2022 and specified that inaction could lead to formal enforcement.
- 10/2022 – WDEQ/LQD conducted a site visit of LE0306. It was confirmed that reclamation had not commenced.
- 03/13/2023 – Cedar Rim Opal LLC received NOV Docket No. 6200-23 via Certified Mail. To date, there has been no response to the NOV.
- 10/23/2023 – WDEQ/LQD and BLM conducted a joint site visit of LE0306. It was again confirmed that reclamation had not commenced.



Mark Gordon, Governor

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Todd Parfitt, Director

CERTIFIED MAIL, RETURN RECEIPT REQUESTED: 7022 0410 0001 5608 5122

Cedar Rim Opal, LLC LE0306
Attn: Mr. Lonnie Woodard
719 E. Main Street
Riverton, WY 82501

RE: Notice of Violation, Docket No. 6200-23, Cedar Rim Opal, LLC, License to Explore, LE0306

Dear Mr. Woodard:

Enclosed you will find a Notice of Violation issued against Cedar Rim Opal, LLC under the provision of W.S. §35-11-701(c)(i). This Notice of Violation is for failure to reclaim the disturbance caused by exploration conducted under License to Explore LE0306.

The Land Quality Division (LQD) is attempting to resolve this issue without further enforcement action and requires that Cedar Rim Opal, LLC contact Nancy Williams, LQD District 2 Supervisor, within fifteen (15) days of receipt of this letter to schedule a meeting to resolve this enforcement action. Should a resolution of the enforcement action be reached as a result of this meeting, a settlement agreement will be signed.

If you have questions, please contact Nancy Williams, LQD District 2 Supervisor at (307) 335-6939.

Sincerely,

Todd Parfitt
Director
Department of Environmental Quality

Kyle Wendtland
Administrator
Land Quality Division

Date: March 8, 2023

Enclosure: Notice of Violation Docket No. 6200-23

Cc: David Dewald, Attorney General's Office
Nancy Williams, LQD District 2 Supervisor
Deq-lqd.upload@wyo.gov
Kristy Kennedy, LQD Administrator's Administrative Assistant
Karin Quigley, DEQ Director's Administrative Assistant

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)
) DOCKET NO. 6200-23
CEDAR RIM OPAL, LLC LE0306)
ATTN: LONNIE WOODARD)
719 E. MAIN STREET)
RIVERTON, WY 82501)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

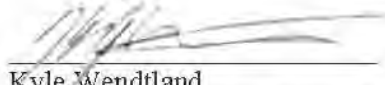
1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute § 35-11-701(c)(i) which requires that a written notice be issued in the case of failure to correct or remedy an alleged violation.
2. Wyoming Department of Environmental Quality – Land Quality Division (WDEQ/LQD) Noncoal Rules and Regulations (R&R), Chapter 5, Section 4 states that “Reclamation and restoration shall begin as early as practicable so as to prevent unnecessary erosion, sedimentation, and pollution. In no event shall reclamation begin later than the end of the license period unless the Administrator approves such a delay in writing.”
3. A renewal request for LE0306 was received by WDEQ/LQD on July 30, 2020 but was not approved due to deficiencies and requests for additional information that were not addressed. The license to explore has now expired. Inspections of the site were performed in 2020 and 2022, and it was noted that there has been no activity at the site and the pit area remained open and unreclaimed. WDEQ/LQD notified Cedar Rim Opal, LLC through an inspection report issued in 2020 of the requirement to initiate reclamation. WDEQ/LQD also notified Cedar Rim Opal, LLC by telephone in January of 2021 of the requirement to initiate reclamation of the site. A LQD/BLM joint inspection on June 16, 2022 confirmed that no reclamation activity has been initiated. A subsequent inspection report issued by WDEQ/LQD again notified Cedar Rim Opal, LLC of the requirement to initiate reclamation. The site is on federal surface and the BLM declared the site abandoned and requested reclamation activities commence immediately on June 24, 2022. A follow-up site visit conducted in October, 2022 confirmed that no reclamation activities had commenced. Due to the failure to reclaim, Cedar Rim Opal, LLC has violated WDEQ/LQD Non-coal R&R, Chapter 5, Section 4. Accordingly, WDEQ/LQD is commencing bond forfeiture for license LE0306.
4. Wyoming Statute § 35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted thereunder is subject to a penalty of up to ten thousand dollars (\$10,000.00) for each day of violation, a temporary or permanent injunction, or both a penalty and an injunction. Such penalties or injunctive relief may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

DATED THIS 8th day of March, 2023.



Todd Parfitt
Director
Department of Environmental Quality



Kyle Wendtland
Administrator, Land Quality Division
Department of Environmental Quality