

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

FILED

JUN 06 2006

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE BOND )  
FORFEITURE PROCEEDINGS )  
AGAINST THE BOND OF )  
SOWERWINE-WILSON )  
CONSTRUCTION, INC. )  
LIMITED MINING OPERATION 890 ET. )

Docket No. 05-4402

**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 Sowerwine-Wilson Construction, Inc., (Sowerwine-Wilson) and the Council having reviewed the motion and being otherwise fully informed in the premises,

**MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

1. Sowerwine posted a \$1,500.00 reclamation performance bond, in the form of an Irrevocable Letter of Credit No. 276, written by the First National Bank in Buffalo, Wyoming to conduct a limited mining operation located approximately 10 miles northeast of Hulett, Wyoming.
2. The DEQ issued Notice of Violation No. 3510-03 to Sowerwine-Wilson on October 13, 2003, because Sowerwine-Wilson abandoned the mining site and failed to commence reclamation of the area disturbed during mining. Sowerwine-Wilson has also failed to submit annual reports to the DEQ since 2000.
3. The Council approved the DEQ's request to initiate bond forfeiture proceedings against Sowerwine-Wilson on October 26, 2004.
4. On July 1, 2005, the Office of the Attorney General mailed notice to Sowerwine-Wilson by certified mail that the Council would enter an order forfeiting its bond unless the company demanded a hearing before the Council within thirty days. That notice was returned on July 17, 2005 as unclaimed. On July 29, 2005, the Office of the Attorney General mailed notice to Sowerwine-Wilson by regular mail, postage prepaid that the Council would enter an order forfeiting its bond unless the company demanded a hearing before the Council within thirty days. That notice has not been returned.
5. Neither the Office of the Attorney General nor the DEQ has a record of a request for a hearing before the Council from Sowerwine-Wilson.

6. Wyo. Stat. § 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. The record in this matter establishes that the Department of Environmental Quality has satisfied all requirements for bond forfeiture pursuant to WYO. STAT. § 35-11-421, for Irrevocable Letter of Credit No. 276, written by the First National Bank in Buffalo, Wyoming.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

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 Sowerwine-Wilson Construction, Inc., if it can be found.

DATED this 20 day of May, 2006

WYOMING ENVIRONMENTAL QUALITY COUNCIL

  
Chairman

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**CERTIFICATE OF SERVICE**

I, Terri Lorenzon, do hereby certify that the foregoing ORDER FOR BOND FORFEITURE was served by placing a true and correct copy in the United States mail, postage prepaid, on this 10<sup>th</sup> day of June, 2006, addressed to the following:

Mr. E.O. Sowerwine  
Sowerwine-Wilson Construction, Inc  
2066 Highway 24  
Hulett, Wyoming 82720

AND also to the following person via interoffice mail of the State of Wyoming:

John Corra, Director  
Department of Environmental Quality  
Herschler Building  
Cheyenne, WY 82002

Richard Chancellor, Land Quality Administrator  
Department of Environmental Quality  
Herschler Building  
Cheyenne, WY 82002

John S. Burbridge  
Attorney General's Office  
123 Capitol Building  
Cheyenne, Wyoming 82002

  
Terri Lorenzon