

Matt VanWormer, WSB #7-5804
Senior Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
Cheyenne, WY 82002
(307) 777-6199
matt.vanwormer@wyo.gov

**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)

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 Yellowstone Landscaping, Inc.'s (Yellowstone) reclamation performance bond pursuant to Wyo. Stat. Ann. § 35-11-421(b). The Department states the following in support of this motion:

1. On December 18, 2007, the Department issued Limited Mining Operation (LMO) No. ET1419, also known as the Topsoil Pit, to Spomer Construction Co., Inc. The Topsoil Pit is a 2.5 acre gravel pit located in Tract 43R, Township 56 North, Range 98 West, Section 30 approximately four miles northeast of Powell, Wyoming.
2. On August 23, 2012, Spomer Construction Co., Inc. transferred LMO No. ET1419 to Yellowstone, which is owned by Daniel May.

3. Pursuant to Wyo. Stat. Ann. § 35-11-401(e)(vi)(B), Yellowstone posted a bond for the reclamation of the Topsoil Pit after mining operations ceased. Specifically, Yellowstone posted a two thousand five hundred dollar (\$2,500.00) Certificate of Deposit (No. 1177), issued by Big Horn Federal Savings Bank.

4. On June 9, 2014, the Wyoming Secretary of State administratively dissolved Yellowstone for delinquent taxes. Exhibit A. As a result, Yellowstone is no longer licensed to do business in the State of Wyoming.

5. The Department considers the limited mining operation at the Topsoil Pit to be abandoned as of June 9, 2014.

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

7. Yellowstone submitted its last annual report for the Topsoil Pit in December 2012. Since then, there has been no authorized mining at the Topsoil Pit. Yellowstone has failed to reclaim the mining site.

8. Based on the facts above, the Department determined that the reclamation performance bond should be forfeited.

9. On July 16, 2020, 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 Yellowstone.

10. On August 19, 2020, the Council approved the Department's request to initiate bond forfeiture proceedings against Yellowstone.

11. On September 1, 2020, the Attorney General's Office sent notice of the forfeiture proceedings to Yellowstone, Daniel May, and Big Horn Federal Savings Bank by certified mail. Exhibit B.

12. The notice stated that Bond No. 1177, in the amount of two thousand five hundred dollars (\$2,500.00), would be forfeited unless Yellowstone made a written demand for a hearing within thirty days of receipt of the notice. Exhibit B.

13. The notice sent to Yellowstone was returned to the Attorney General's Office as undeliverable. Exhibit C.

14. The notice sent to Daniel May was returned to the Attorney General's Office as undeliverable. Exhibit D.

15. The notice sent to Big Horn Federal Savings Bank was received on September 3, 2020. Exhibit E.

16. On September 9, 2020, the Department's counsel contacted Daniel May at the phone number on record in the Department's permit file. During this phone conversation, Mr. May provided his personal mailing address of P.O. Box 661, Cowley, Wyoming 82420.

17. On September 9, 2020, the Attorney General's Office sent a second notice of forfeiture proceedings to Daniel May by certified mail to the new mailing address he provided. Exhibit F.

18. The second notice sent to Daniel May was returned to the Attorney General's Office as unclaimed. Exhibit G.

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

20. 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 respectfully requests that the Council enter an order forfeiting Yellowstone's reclamation bond totaling two thousand five hundred dollars (\$2,500.00), to be used by the Department to reclaim the mining operations developed under Limited Mining Operation No. ET1419.

Dated this 5th day of November, 2020.



Matt VanWormer, WSB# 7-5804
Senior Assistant Attorney General
Wyoming Attorney General's Office
2320 Capitol Avenue
Cheyenne, WY 82002
(307) 777-6199
matt.vanwormer@wyo.gov

*Attorney for the Wyoming
Department of Environmental Quality*

CERTIFICATE OF SERVICE

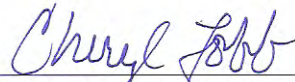
I hereby certify that I served a true and correct copy of the foregoing *Motion for Bond Forfeiture* upon the persons listed below, this 5th day of November, 2020, addressed as follows:

Wyoming EQC (Original) – **By Inter-Agency Mail**
Attn: Joe Girardin
2300 Capitol Ave.
Hathaway Bldg. 1st, Room 136
Cheyenne, Wyoming 82002

Yellowstone Landscaping, Inc. - **By U.S. Mail**
Attn: Daniel May, Registered Agent
401 South Bent St.
Powell, Wyoming 82435

Daniel May – **By U.S. Mail**
P.O. Box 661
Cowley, Wyoming 82420

Big Horn Federal Savings Bank – **By U.S. Mail**
P.O. Box 821
Powell, Wyoming 82435



Cheryl Lobb, Paralegal
Wyoming Attorney General's Office

STATE OF WYOMING * SECRETARY OF STATE
EDWARD A. BUCHANAN
BUSINESS DIVISION

Herschler Bldg East, Ste.100 & 101, Cheyenne, WY 82002-0020

Phone 307-777-7311

Website: <https://sos.wyo.gov> · Email: business@wyo.gov

Filing Information



Please note that this form CANNOT be submitted in place of your Annual Report.

Name	Yellowstone Landscaping Incorporated		
Filing ID	2006-000511405		
Type	Profit Corporation	Status	Inactive - Administratively Dissolved (Tax)

General Information

Old Name		Sub Status	Archived
Fictitious Name		Standing - Tax	Delinquent
		Standing - RA	Good
Sub Type	Close Corporation	Standing - Other	Good
Formed in	Wyoming	Filing Date	04/10/2006 12:00 AM
Term of Duration	Perpetual	Delayed Effective Date	
		Inactive Date	06/09/2014

Share Information

Common Shares	1,000	Preferred Shares		Additional Stock	N
Par Value	0.0000	Par Value	0.0000		

Principal Address

PO Box 2642
Cowley, WY 82420

Mailing Address

PO Box 2642
Cowley, WY 82420

Registered Agent Address

Daniel P May
401 S Bent
Powell, WY 82435

Parties

Type	Name / Organization / Address
------	-------------------------------

Notes

Date	Recorded By	Note
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Filing Information



Please note that this form **CANNOT** be submitted in place of your Annual Report.

Name	Yellowstone Landscaping Incorporated		
Filing ID	2006-000511405		
Type	Profit Corporation	Status	Inactive - Administratively Dissolved (Tax)

Most Recent Annual Report Information

Type	Original	AR Year	2013
License Tax	\$214.75	AR Exempt	N
AR Date	4/23/2013 1:45 PM		
Web Filed	N		
AR ID	01823019		

Officers / Directors

Type	Name / Organization / Address
President	Daniel P May PO Box 2642 Cowley WY 82420

Principal Address

PO Box 2642
Cowley, WY 82420

Mailing Address

PO Box 2642
Cowley, WY 82420

Annual Report History

Num	Status	Date	Year	Tax
00805653	Original	08/29/2007	2007	\$50.00
00914835	Original	08/22/2008	2008	\$50.00
Principal Address 1 Changed From: P.O. Box 661 To: PO Box 2642				
01050357	Original	09/30/2009	2009	\$100.00
01158226	Original	05/10/2010	2010	\$50.00
01317459	Original	04/11/2011	2011	\$51.23
01546268	Original	05/22/2012	2012	\$74.90
01823019	Original	04/23/2013	2013	\$214.75

Amendment History

ID	Description	Date
2016-001915269	System Archive	06/10/2016
Filing Sub Status Changed From: Current To: Archived		
2014-001626403	Dissolution / Revocation - Tax	06/09/2014
Filing Status Changed From: Active To: Inactive - Administratively Dissolved (Tax)		
Inactive Date Changed From: No Value To: 06/09/2014		
2014-001599329	Delinquency Notice - Tax	04/02/2014

Filing Information



Please note that this form **CANNOT** be submitted in place of your Annual Report.

Name **Yellowstone Landscaping Incorporated**

Filing ID **2006-000511405**

Type Profit Corporation

Status

Inactive -
Administratively
Dissolved (Tax)

2013-001477397	Delinquency Notice - Tax	04/02/2013
2012-001320862	Delinquency Notice - Tax	04/02/2012
2011-000966448	Delinquency Notice - Tax	04/02/2011
2010-000847390	Delinquency Notice - Tax	04/02/2010
2009-000788292	Reinstatement - Tax	09/30/2009
Filing Status Changed From: Inactive - Administratively Dissolved (Tax) To: Active		
Inactive Date Changed From: 06/10/2009 To: No value		
2009-000766607	Administrative Dissolution (Tax)	06/10/2009
Filing Status Changed From: Active To: Inactive - Administratively Dissolved (Tax)		
2009-000746454	Delinquency Notice - Tax	04/02/2009
2008-000666275	Delinquency Notice - Tax	04/02/2008
2007-000604736	Delinquency Notice - Tax	04/01/2007
See Filing ID	Initial Filing	04/10/2006



Office of the Attorney General

Governor
Mark Gordon

Water and Natural Resources Division
Kendrick Building
2320 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-6946 Telephone
307-777-3542 Fax

Chief Deputy Attorney General
Ryan Schelhaas

Attorney General
Bridget Hill

Division Deputy
James Kaste

September 1, 2020

**CERTIFIED MAIL NOs: 7015 1730 0000 3880 1008; 7015 1730 0000 3880 1015;
7015 1730 0000 3880 1022**

Yellowstone Landscaping, Inc.
Attn: Daniel May, Registered Agent
401 South Bent St.
Powell, Wyoming 82435

Daniel May
115 N. Hamilton St.
Powell, Wyoming 82435

Big Horn Federal Savings Bank
P.O. Box 821
Powell, Wyoming 82435

RE: Notice of Proposed Bond Forfeiture

Dear Mr. May:

The Wyoming Department of Environmental Quality (Department) is seeking forfeiture of the following reclamation performance bonds pursuant to Wyo. Stat. Ann. § 35-11-421:

LMO No.	Bond No.	Amount	Form of Bond
1336 ET (Karst Pit)	1277	\$4,000.00	Certificate of Deposit (Big Horn Federal)
1419 ET (Topsoil Pit)	1177	\$2,500.00	Certificate of Deposit (Big Horn Federal)

Exhibit B

Yellowstone Landscaping, Inc.
September 1, 2020
Page 2 of 2

Yellowstone Landscaping, Inc. is the responsible operator for the limited mining operations (LMOs) listed above. Yellowstone Landscaping has not filed an annual report for either LMO since December 2012. The Wyoming Secretary of State's records show that Yellowstone Landscaping was administratively dissolved on June 9, 2014. On August 29, 2018, the Department issued Notices of Violation to Yellowstone Landscaping for failing to commence reclamation when it ceased mining operations at each LMO.

Despite the Department's prior notices, Yellowstone Landscaping has failed to satisfy its reclamation obligations for LMOs 1336ET and 1419ET. Accordingly, the Department now seeks the forfeiture of the reclamation bonds Yellowstone Landscaping posted to ensure the reclamation of these operations. On July 16, 2020, the Department sought approval from the Wyoming Environmental Quality Council to initiate bond forfeiture proceedings for each LMO. The Council approved the Department's requests on August 19, 2020. The Council's Orders of Approval are attached.

The Wyoming Attorney General's Office is hereby notifying you that the Department seeks an order from the Council forfeiting the bonds identified in this letter. The Council will order these bonds forfeited unless you make a written demand for a hearing to the Council within thirty days after receiving this notice. If the bonds are forfeited, the Department will apply the proceeds to Yellowstone Landscaping's reclamation obligations.

If you have any questions concerning this matter, please contact me at (307) 777-6199 or matt.vanwormer@wyo.gov.

Sincerely,

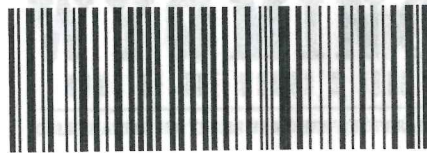


Matt VanWormer,
Senior Assistant Attorney General

cc: Kyle Wendtland, LQD Administrator
Nancy Williams, District II Supervisor
Cameron Sloan, Natural Resources Analyst

STATE OF WYOMING
ATTORNEY GENERAL
123 STATE CAPITOL
CHEYENNE, WYOMING 82002

CERTIFIED MAIL®



7015 1730 0000 3880 1008



U.S. POSTAGE >>> PITNEY BOWES
ZIP 82001 \$ 006.90⁰
02 4W
0000340594 SEP 01 2020

RECEIVED
Tracking # _____
SEP - 8 2020
FILE # _____
REGISTRATION
ATTORNEY GENERAL'S OFFICE

~~_____~~ ANK

Yellowstone Landscaping, Inc.
Attn: Daniel May, Registered Agent
401 South Bent St.
Powell, Wyoming 82425

NAME nk
1ST NOTICE 9-3-2020
2ND NOTICE _____

NIXIE 74 808 FE 1 0009/06/20
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD
BC: 82002 *1379-09654-01-42

0332040002642251 ANK
8243882837 0003

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

1016591

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Yellowstone Landscaping, Inc.
 ATTN: Daniel May, Registered Agent
 401 South Bent St.
 Powell, WY 82435



2. Article Number (Transfer from service label)

7015 1730 0000 3880 1008

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

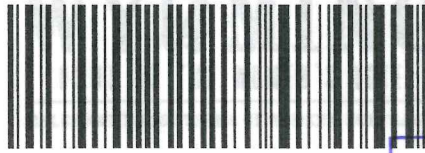
- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Registered Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

STATE OF WYOMING
ATTORNEY GENERAL
123 STATE CAPITOL
CHEYENNE, WYOMING 82002

CERTIFIED MAIL®



7015 1730 0000 3880 1015



U.S. POSTAGE >> PITNEY BOWES
ZIP 82001 \$ 006.90⁰
02 4W
0000340594 SEP. 01, 2020

RECEIVED

Tracking # _____
NMR SEP - 8 2020
NAME _____
File # 197110
ADMINISTRATION
ATTORNEY GENERAL'S OFFICE
RETURN

Daniel May
115 N. Hamilton St.
Powell, Wyoming 82435

NIXIE 808 DE 1 0009/06/20
RETURN TO SENDER
NO MAIL RECEPTACLE
UNABLE TO FORWARD
BC: 82002 *1379-09737-01-42

1 9332010002642231 NMR
8243582110 C003

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

1016593

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Daniel May
115 N. Hamilton St.
Powell, Wyoming 82435



9590 9401 0160 5234 1659 38

2. Article Number (Transfer from service label)

7015 1730 0000 3880 1015

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS TRACKING#



9590 9401 0160 5234 1659 21

United States
Postal Service

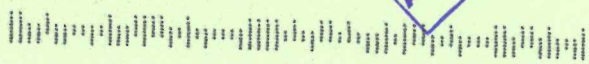
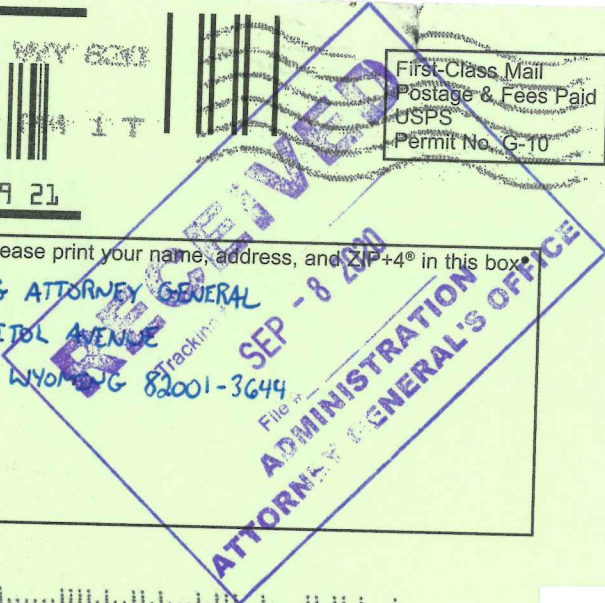
• Sender: Please print your name, address, and ZIP+4® in this box.

WYOMING ATTORNEY GENERAL

2320 CAPITOL AVENUE

CHEYENNE, WYOMING 82001-3644

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10



7

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Big Horn Federal Savings Bank
P.O. Box 821
Powell, Wyoming 82435



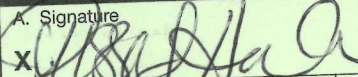
9590 9401 0160 5234 1659 21

2. Article Number (Transfer from service label)

015 1730 0000 3880 1022

PS Form 3811, July 2015 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Return Receipt for Merchandise
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

Domestic Return Receipt

[Track Another Package +](#)

Tracking Number: 70151730000038801022

[Remove X](#)

Your item was delivered at 12:18 pm on September 3, 2020 in POWELL, WY 82435.

Delivered

September 3, 2020 at 12:18 pm
Delivered
POWELL, WY 82435

Feedback

Get Updates 

Text & Email Updates



Tracking History



Product Information



See Less 

Can't find what you're looking for?

Go to our [FAQs](#) section to find answers to your tracking questions.



Office of the Attorney General

Governor
Mark Gordon

Water and Natural Resources Division
Kendrick Building
2320 Capitol Avenue
Cheyenne, Wyoming 82002
307-777-6946 Telephone
307-777-3542 Fax

Chief Deputy Attorney General
Ryan Schelhaas

Attorney General
Bridget Hill

Division Deputy
James Kaste

September 9, 2020

CERTIFIED MAIL NO: 7015 1730 0000 3880 0490

Daniel May
P.O. Box 661
Cowley, Wyoming 82420

RE: Notice of Proposed Bond Forfeiture

Dear Mr. May:

The Wyoming Department of Environmental Quality (Department) is seeking forfeiture of the following reclamation performance bonds, pursuant to Wyo. Stat. Ann. § 35-11-421:

LMO No.	Bond No.	Amount	Form of Bond
1336 ET (Karst Pit)	1277	\$4,000.00	Certificate of Deposit (Big Horn Federal)
1419 ET (Topsoil Pit)	1177	\$2,500.00	Certificate of Deposit (Big Horn Federal)

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Exhibit F

Daniel May
September 9, 2020
Page 2 of 2

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If you have any questions concerning this matter, please contact me at (307) 777-6199 or matt.vanwormer@wyo.gov.

Sincerely,



Matt VanWormer,
Senior Assistant Attorney General

cc: Kyle Wendtland, LQD Administrator
Nancy Williams, District II Supervisor
Cameron Sloan, Natural Resources Analyst

STATE OF WYOMING
ATTORNEY GENERAL
123 STATE CAPITOL
CHEYENNE, WYOMING 82002

CERTIFIED MAIL



U.S. POSTAGE PITNEY BOWES

ZIP 82001 \$ 006.90⁰
02 4W
0000340651 SEP 09 2020

7015 1730 0000 3880 0490

RECEIVED
Tracking # _____
OCT -5 2020
File # _____
ADMINISTRATION
ATTORNEY GENERAL'S OFFICE

unc

DANIEL MAY
P.O. BOX 661
COWLEY, WYOMING 82420

② 9/11

NIXIE 808 DE 1 0010/02/20
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD
BC: 82002 *1379-01096-09-45

UNC
8242030661 B004

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS

1016589

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

DANIEL MAY
 P.O. Box 661
 COWLEY, WYOMING 82420



9590 9401 0160 5234 1658 91

2. Article Number (Transfer from service label)

7015 1730 0000 3880 0490

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Restricted Delivery