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FILED

APR 02 1992

Terri A. Lorenson Adm. Aide
Environmental Quality Council

March 31, 1992

Environmental Quality Council
Barrett Building - Room 407
2301 Central Avenue
Cheyenne, WY 82002

RE: Bond Forfeiture on Permit No. 553ET

Dear Sir:

This letter is formal written demand for a hearing made within thirty days after receiving the Notice of Forfeiture. Willow Mesa Construction, who is the bond holder in the above referenced bond, requests a hearing on forfeiture of the bond.

The basis for Willow Mesa's request for hearing is that the above referenced permit was established by Willow Mesa in November of 1984. I have enclosed a copy of the application by Willow Mesa regarding the NW1/4SW1/4, Section 4, T21N, R118W in the amount of ten total acres. Willow Mesa obtained this permit and placed a reclamation bond at the time of permitting in anticipation of a contract with Exxon. Willow Mesa was not successful as the bidder. On October 25, 1984, Skyline Construction Co., Inc. of Big Piney, Wyoming, through R. S. Bennett, Jr., applied for a permit in the SW1/4SW1/4, Section 4, T21N, R118W, in the total amount of two acres. A reclamation bond is indicated to have been attached in the amount of \$600.00. Skyline Construction Co., Inc. was the successful bidder with Exxon and to the information of the Kovachs of Willow Mesa Construction, Inc., Skyline Construction entered upon the permitted area and excavated gravel for the Exxon job. Willow Mesa did not ever enter upon their permitted gravel pit and remove any material whatsoever. Neither did they allow through any authorized agents, any removal of any materials.

cc: IQD; T. Roan. 4-2-92.ccc.

Environmental Quality Council
March 31, 1992
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Jim Kovach believes that if any gravel has been removed from the permitted area to Willow Mesa Construction, Inc., that it was done so by Skyline Construction Co., Inc. and therefore that entity is responsible for any reclamation. Willow Mesa's reclamation bond should not be forfeited and should be returned to Willow Mesa Construction.

Please notify me as the representative of Willow Mesa Construction and James Kovach, of any hearing dates as they are set in order to be prepared and present evidence of the above information to the Council.

Sincerely,



F. L. Thomas, Jr.

tw
Enclosure
cc: James W. Kovach

LIMITED MINING OPERATIONS
NOTIFICATION OF OPERATOR
AND
CONSENT OF SURFACE OWNER AND LESSEE

NOTE: Use typewriter
or print neatly with
black ink

This form shall be used only in filing for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of 10 acres or less of affected land as provided by W.S. 35-11-401(e)(vi).

1. The undersigned owner and lessee, if any, of the surface of the following described lands to be mined:

NW1/4 SW1/4, Section 4, T. 21 N., R 118 W., 10 Acres
_____, Section _____, T. _____ N., R _____ W., _____ Acres
_____, Section _____, T. _____ N., R _____ W., _____ Acres
_____, Section _____, T. _____ N., R _____ W., _____ Acres

Lincoln County, WY Total 10 Acres
hereby consent to, and agree to allow, (Operator name, address, and telephone number, Agent name, address, and telephone number, if company)
Willow Mesa Construction, P.O. Box 367, Kemmerer, WY 83101 877-9014
John J. Kovach, P.O. Box 367, Kemmerer, WY 877-9014
to remove the following mineral Rock
from the above described lands for a period of time beginning on _____
and ending on November 25, 1985. The premining use of the land is grazing

2. The above mentioned operator hereby notifies the Land Quality Division that he (it) will mine the above mineral from the above described lands for the period of time described above.

(a) The method(s) of mining consists of Dozer, loader, crusher, trucks

and the maximum depth to which mining will occur is estimated to be 30'
(b) The depth to ground water in the mine area is estimated to be 75'
(c) The total number of acres to be affected is 10
(d) The proposed post-mining use of the land is grazing
(e) A reclamation bond in the amount of \$ 2,000.00 is attached and identified as bond number CD#

3. Mineral Ownership (Federal, State, Private) Private

4. Under penalties of perjury, we declare that we have examined this notification and consent; and the information contained herein, and to the best of our knowledge and belief it is true, correct and complete; and that the location of the proposed operation is accurately shown on the original U.S.G.S. quadrangle map accompanying this consent. Further, it is agreed that the reclamation of the lands affected by the mining operation shall be in compliance with the Rules and Regulations of the Land Quality Division.

Dated this 20 day of November, 1984.

Mary Failoni
Signature of Surface Owner

John J. Kovach
Signature of Operator

Mary Failoni
Printed or Typed Name of Surface Owner

Willow Mesa Construction
Printed or Typed Name

John J. Kovach
Signature of Surface Lessee (Omit for State Lands)

Willow Mesa Construction
Printed or Typed Name of Surface Lessee

FILED

APR 02 1982

Terri A. Lammert, Admin. Asst.
Environmental Quality Council

FOR LQD use only:
Temp. Filing No. _____
Permit No. _____
District _____

Approved: _____
Lyle Randen, Administrator
Date: _____

LIMITED MINING OPERATIONS
NOTIFICATION OF OPERATOR
AND
CONSENT OF SURFACE OWNER AND LESSEE

NOTE: Use typewriter
or print neatly with
black ink

This form shall be used only in filing for the removal of sand, gravel, scoria, limestone, dolomite, shale, ballast, or feldspar from an area of 10 acres or less of affected land as provided by W.S. 35-11-401(e)(vi).

1. The undersigned owner and lessee, if any, of the surface of the following described lands to be mined:

SW 1/4 SW 1/4, Section 4, T. 21 N., R. 118 W., 2 Acres
_____, Section _____, T. _____ N., R. _____ W., _____ Acres
_____, Section _____, T. _____ N., R. _____ W., _____ Acres
_____, Section _____, T. _____ N., R. _____ W., _____ Acres

Lincoln County, WY Total 2 Acres
hereby consent to, and agree to allow, (Operator name, address, and telephone number, Agent name, address, and telephone number, if company)
Skyline Construction Co., Inc. Box 38 Big Piney, Wyoming 83113
(307) 276-3383 R.S. Bennett, Jr.

to remove the following mineral Rock Rip Rap
from the above described lands for a period of time beginning on Oct. 29, 1984
and ending on October 29, 1986. The premining use of the land is _____
Rock Quarry

2. The above mentioned operator hereby notifies the Land Quality Division that he (it) will mine the above mineral from the above described lands for the period of time described above.

(a) The method(s) of mining consists of Conventional shaker and Screen, to be removed by front end loader and trucks.
No topsoil on this pit, it is an existing rock quarry.

and the maximum depth to which mining will occur is estimated to be Ground level
(b) The depth to ground water in the mine area is estimated to be None
(c) The total number of acres to be affected is 2 acres
(d) The proposed post-mining use of the land is Gravel pit
(e) A reclamation bond in the amount of \$ 600.00 is attached and identified as bond number Certificate of Deposit #8858

3. Mineral Ownership (Federal, State, Private) Private

4. Under penalties of perjury, we declare that we have examined this notification and consent; and the information contained herein, and to the best of our knowledge and belief it is true, correct and complete; and that the location of the proposed operation is accurately shown on the original U.S.G.S. quadrangle map accompanying this consent. Further, it is agreed that the reclamation of the lands affected by the mining operation shall be in compliance with the Rules and Regulations of the Land Quality Division.

Dated this 25 day of October, 19 84.

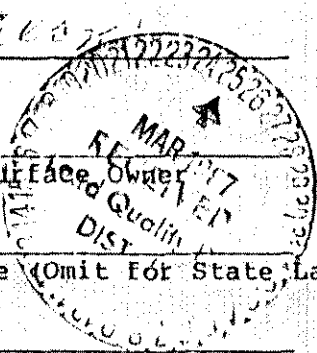
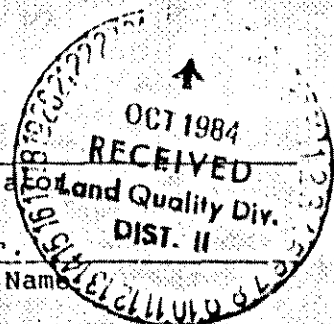
Mary Fallon
Signature of Surface Owner

Mary Fallon
Printed or Typed Name of Surface Owner

Signature of Surface Lessee (Omit for State Lands)

Printed or Typed Name of Surface Lessee

R.S. Bennett, Jr.
Signature of Operator
R.S. Bennett, Jr.
Printed or Typed Name of Operator

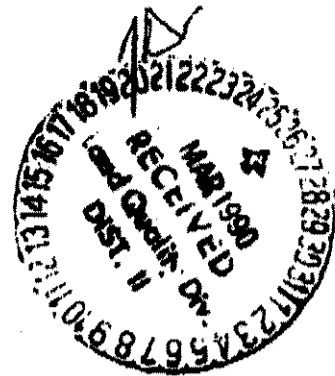


FOR LQD use only:
Temp. Filing No. 12/364
Permit No. 658E-1
District 11

Approved: Roger Shaffer
~~Walter C. Ackerman~~, Administrator
Date: 3-20-87

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING



IN THE MATTER OF THE NOTICE)
OF VIOLATION ISSUED TO THE)
WILLOW MESA CONSTRUCTION)
CO., INC., STAR ROUTE 1,)
C/O FONTENELLE STORE,)
KEMMERER, WY 83101)
RE: PERMITS 369ET, 534ET,)
535ET, 546ET, AND 553ET.)

DOCKET NO. 2148-90

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

- 1. This Notice of Violation is being sent to you pursuant to W.S. 35-11-701(c) (1), which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. On February 20, 1990, Annual Inspections were conducted at Limited Mining Operations Nos. 369ET and 546ET. On February 21, 1990, an Annual Inspection was conducted at Limited Mining Operation No. 553ET. On February 22, 1990, Annual Inspections were conducted at Limited Mining Operations Nos. 535ET and 546ET. The Annual Inspections were conducted by John Erickson of the Land Quality Division, District II Office. These permits are located in Lincoln County, Wyoming.
3. The inspections revealed that there has been no activity at Permits 369ET, 534ET, 535ET, 546ET, and 553ET since the previous Land Quality Division Annual Inspections conducted in 1988. Permit No. 534ET was reclaimed by the Wyoming Highway Department in 1987. The remaining permits are unreclaimed.
4. Willow Mesa Construction Co., Inc. failed to file Annual Reports for Permits 369ET, 534ET, 535ET, 546ET, and 553ET in 1988 and 1989.
5. Failure to reclaim after mining operations have ceased or within thirty (30) days after abandonment of the mining operation is a violation of Land Quality Division Rules and Regulations, Chapter XX, Section 4.(a.)
6. Failure to provide an annual report is a violation of Land Quality Division Rules and Regulations, Chapter XX, Section 3.
7. The violation has not been corrected or remedied nor has the operator provided any information concerning the violation.
8. 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 liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

SIGNED this 21 day of March, 1990.

Dennis Kemmerer, Director
Department of Environmental Quality

Roger Sheffer, Administrator
Land Quality Division

PLEASE DIRECT ALL INQUIRIES to Mark Moxley, District II Supervisor, Land Quality Division, 210 Lincoln, Lander, Wyoming, 82520, Telephone (307) 332-3047.