

WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND QUALITY DIVISION

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality, Land Quality Division (WDEQ/LQD) and JP Robinson, a company authorized to do business in Wyoming, enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in Notice of Violation (NOV) Docket Number 4141-07, dated September 12, 2007. The NOV alleges: 1) The Limited Mining Operation exceeded the permitted one acre exemption area by 2.2 acres, for a total of 3.2 affected acres. 2) The operator failed to provide a bond to insure reclamation for these acres in the amount of \$1000 per acre of affected land. These violations are located in the SW¹/₄NW¹/₄ of Section 2, T.35N., R.111W. These are violations of the Wyoming Statutes and the applicable WDEQ/LQD Noncoal Rules and Regulations.

W.S. §35-11-901(a)(ii) authorizes the WDEQ/LQD to negotiate a stipulated settlement, including a cash settlement payment, in lieu of litigation. To that end, JP Robinson and the WDEQ/LQD hereby stipulate and agree as follows:

1. The WDEQ/LQD, pursuant to W.S. §35-11-104, is a department in the executive branch of the state government of Wyoming and is principally situated in Cheyenne, Wyoming. WDEQ is the agency with the responsibility for administering the Wyoming Environmental Quality Act including all provisions of the WDEQ/LQD Non-Coal Rules and Regulations.
2. JP Robinson agrees to pay a total of Two Thousand dollars (\$2,000.00) as a stipulated cash settlement payment to resolve this matter in lieu of litigation under W.S. §35-11-901(a)(ii). Payment is due and payable within thirty (30) days of full execution of this Settlement Agreement. Payment shall be by check made payable to the Wyoming Land Quality Division and shall be sent to: Administrator, Wyoming Department of Environmental Quality, Land Quality Division, Herschler Building, 3 Floor-West, 122 West 25th Street, Cheyenne, Wyoming 82002.
3. This signed Settlement Agreement and payment of cash settlement amount shall constitute full satisfaction and resolution of all claims by the WDEQ/LQD against JP Robinson based on the violations alleged in the NOV Docket No. 4141-07. Contingent upon JP Robinson's compliance with the terms of this Settlement Agreement, the WDEQ/LQD will refrain from taking further enforcement action against JP Robinson for these particular violations cited in this Settlement Agreement. By this Settlement Agreement, the parties intend to resolve with prejudice all allegations that were asserted in NOV Docket No. 4141-07.
6. JP Robinson waives any statute of limitations which may apply to an enforcement action by the WDEQ/LQD involving the specific matters described in NOV Docket No. 4141-07, in the event that JP Robinson fails to fulfill its obligations under this Settlement Agreement.
7. Nothing in this agreement precludes WDEQ/LQD from taking additional enforcement action, including the issuance of a Notice of Violation and Order, should JP Robinson violate the Wyoming Environmental Quality Act or applicable rules and regulations in the future.
8. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
9. Notwithstanding any other language in this Settlement Agreement, the State of Wyoming and WDEQ do not waive sovereign immunity by entering into this Settlement Agreement with JP Robinson and specifically retain all immunity and all defenses available as sovereigns under state and federal law.
10. Each party shall bear its own attorney fees and costs, if any, incurred through the date this Settlement Agreement is signed by both parties.
11. This Settlement Agreement is binding upon JP Robinson, its successors and assignees, and upon the WDEQ/LQD.

FOR: JP ROBINSON:

Signed:

Hannah Robinson

Date: 11-7-07

Typed:

Hannah Robinson

Title:

Land Owner

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:

John V. Corra
John V. Corra, Director
Wyoming Department of Environmental Quality

Date: 4/9/07

Richard A. Chancellor
Richard A. Chancellor
Land Quality Division

Date: 8 Nov 07

cc: Mark Moxley, WDEQ/LQD, District II
NOV Docket Number 4141-07
566ET File