

0002



Orig: Mine file: 043 001 # 2
cc Braxton
Lowner
Halfbrich

RECEIVED
DEC 16 1988

**DIVISION OF
OIL, GAS & MINING**

**THE ATTORNEY GENERAL
STATE OF UTAH
DAVID L. WILKINSON
ATTORNEY GENERAL**

PAUL M. TINKER
CHIEF DEPUTY ATTORNEY GENERAL

EARL F. DORIUS, CHIEF
Governmental Affairs Division

STUART W. HINGKLEY, CHIEF
Human Resources Division

FRED G NELSON, CHIEF
Physical Resources Division

PAUL M. WARNER
ASSOCIATE DEPUTY ATTORNEY GENERAL

STEPHEN G. SCHWENDIMAN, CHIEF
Tax & Business Regulation Division

STEPHEN J. SORENSON, CHIEF
Litigation Division

MICHAEL D. SMITH, CHIEF
Civil Enforcement Division

December 14, 1988

Dianne R. Nielson, Director
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203

Re: Summit Minerals Forfeiture Schedule

Dear Dianne:

Ken May, Lowell Braxton, Randall Harden and myself met regarding the collateral forfeiture process in regard to the Summit Minerals reclamation. We developed the following schedule and would appreciate any comments you may have:

1. By December 23, 1988: Personally serve forfeiture notification letter to Mr. Higgins (operator) and Mr. Margett (owner of collateral). Other interested persons will be sent the letter by certified mail. The letter will indicate the Division's intent to forfeit the collateral bond and allow a thirty day period to appeal to the Board, or agree to reclamation in a manner and schedule agreeable to the Division.
2. Present to January 23, 1989: The thirty day period will be used by the Division to seek agreement with the surface owner that the roads, pads and certain improvements remain in the post land-use. This may be desirable for the future use of the land as well as drastically reduce the cost of reclamation.
3. January 23, 1989: The appeal period will expire. If an appeal has been filed, the matter will go before the Board on March 23, 1989. If no appeal is filed, then the Attorney General's office will proceed in Utah District Court for the enforcement of the trust deed (acquisition of the property).

Dianne R. Nielson
December 14, 1988
Page Two

4. By December 23, 1988: Previous civil penalties brought to judgment in Utah District Court will be sought for collection by the Attorney General's Office.

5. By January 30, 1989: Current fine (under \$700.00) will be sought to be part of a court judgment.

If you have any questions, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alan S. Bachman".

ALAN S. BACHMAN
Assistant Attorney General

ASB/dp

cc: Ken May
Lowell Braxton
Randall Harden