BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
IN AND FOR THE STATE OF UTAH

FILED
SEP 28 2006
SECRETARY, BOARD OF OIL, GAS & MINING

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IN THE MATTER OF THE PETITION BY THE DIVISION OF OIL, GAS AND MINING FOR AN ORDER DIRECTING THE ATTORNEY GENERAL TO RECOVER CIVIL PENALTIES, WITHDRAWING THE NOTICES OF INTENTION, AND REQUIRING IMMEDIATE RECLAMATION OR FORFEITING SURETIES FOR APEX/ BURGIN MINE (M/049/009), TRIXIE SHAFT MINE AREA (M/049/024), AND THE TRIXIE WEST EXPLORATION AREA (E/049/046); THE CHIEF CONSOLIDATED MINING CO. d/b/a CHIEF GOLD MINE, SOUTH STANDARD MINING COMPANY, and TINTIC UTAH METALS, LLC.; IN SECTIONS 11, 15, 21, 22, and 28, T10S, R2W, SLB&M; UTAH COUNTY, UTAH	MODIFICATION OF STIPULATION TO CONTINUE AND FOR DISMISSAL DOCKET NO. 2005-013 Cause Nos. M/049/009 M/049/024 E/049/046

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Division of Oil, Gas, and Mining, (Division), and Chief Consolidated Mining Company (Chief) have previously entered into a STIPULATION to continue and ultimately dismiss the above matter. The parties have satisfied such terms of the Stipulation as were required for the matter to be continued without date, and pursuant to Order of the Board the matter is being held in abeyance subject to the completion of additional actions required of the parties under the STIPULATION. The additional actions include revising the mining and reclamation plan, amending the surety amount,

and resolving the outstanding penalties. In order to provide for additional time to continue their efforts to complete the terms of the Stipulation;

The parties HEREBY AMEND the prior STIPULATION as follows:

1. For the Apex/Burgin and Trixie Mines, Chief shall: Provide revised maps of all of the disturbed/permitted areas in a scale of 1" = 100' or larger to show existing disturbances and facilities. Provide a map to show any "proposed" facilities, dumps or waste piles. Provide a reclamation map that shows the final grade and contours of the mine. List all facilities that have been constructed on site. List any planned facilities. Describe how the mine will be operated if it will be at all different from what is currently in the approved mine plan. Describe how the mine will be reclaimed if it will be different from the approved plan. Provide specific plans for handling and disposal of water encountered in the mine. Provide specific plans for spoil or tailings disposal. Optional - Calculate a bond amount based on if a third party is performing the work. Provide all items by ~~December 31, 2006.~~ March 31, 2007 RRS.

2. The Division shall promptly complete its evaluation of that information and determine the amount of surety for each permit including adjustments for increased costs, released acreage, and other changes that may be agreed upon as required prior to commencement of mining.

3. Chief shall provide the revised surety amount no later than 30 days after notice of the Division's determination of the amount.

4. Upon posting of the required surety as determined pursuant to paragraph 5, the Division shall review the assessment of the failure to abate cessation orders and shall determine the

final amount of the penalty to be paid as is consistent with the rules and purposes of the Utah Mined Land Reclamation Act. Unless appealed, the amount of the penalty shall be paid within 30 days.

5. The Request for Agency Action shall continue to be held in abeyance pending completion of the foregoing items, provided that if the matter is not otherwise resolved by May 31 2007 the matter shall be re-scheduled for a hearing before the Board.

6. Except as expressly provided for herein the prior Stipulation and Order of the Board shall continue without modification.

This MODIFICATION of the STIPULATION shall be effective on the date last executed below:

CHIEF CONSOLIDATE MINING COMPANY

Richard R. Schreiber

Richard R. Schreiber, Chief Executive Officer
Dated this ~~25~~ day of ~~August~~ September, ~~2005~~ 2006

Dated 9/25/2006

DIVISION OF OIL GAS AND MINING

for John Baza, Director

Dated 9/28/06

CERTIFICATE OF MAILING

I hereby certify that I caused a true and correct copy of the attached Stipulation for Continuance and Dismissal of the Division's Request for Agency Action to be delivered or mailed by first class mail, postage prepaid, this 28 day of ~~August,~~ Sept 2005 addressed to:

Zions Bank
Payson Branch
80 East 100 North
Payson, Utah 84651

Wells Fargo Bank
170 South Main Street
Salt Lake City, Utah 84111

Carol Rushin
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Office of Enforcement, Compliance, and Environmental Justice
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