

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN RE ALCHEM MINE APPLICATION)	DOCKET 16-1602
)	
)	

STIPULATION GRANTING CONSENT

The parties to this Stipulation Granting Consent ("Stipulation") are **Tata Chemicals (Soda Ash) Partners** ("Tata"), and the following members of the Hodges family: **Gary L. Hodges** and **Betty J. Hodges** (spouse); **James R. Hodges** and **Ann D. Hodges** (spouse); **Richard C. Hodges** and **Leslie Hodges** (spouse); and **The Estate of Marvin K. Hodges** (Collectively, "the Hodges"). Tata and the Hodges are sometimes hereafter referred to as "the Parties."

The Parties, by and through their respective undersigned counsel, hereby agree to resolve all issues in the above-referenced Application filed by Tata with the Wyoming Department of Environmental Quality ("DEQ") and the Wyoming Environmental Quality Council ("Council") in Docket No. 16-1602.

NOW THEREFORE, the Parties represent, stipulate, and agree to the following, and respectfully request that the Council approve this settlement as stipulated herein.

1. Gary L. Hodges, James R. Hodges, Richard C. Hodges, and Marvin K. Hodges (deceased) are the record owners of the surface estate of the land described in **Exhibit A** attached hereto (the "Hodges Lands"). Marvin K. Hodges died on August 12, 2009. A probate estate was opened for the heirs of Marvin K. Hodges in Sweetwater County District Court, Docket PR # 2009-

000079 or # P-09-79-R, and which docket(s) listed the following Heirs of Marvin K. Hodges: Mark K. Hodges (son); Debra D. Barger (daughter); Ian Hodges (grandson); Kimberlee Curry (daughter); Kimberlee Hodges Bray (granddaughter); Garrett Hodges (grandson); and Clayton Hodges (grandson).

2. Tata seeks to mine sodium minerals from beneath the surface of the land owned by the Hodges Family, which surface estate is described on Exhibit A. Tata has arranged to lease the mineral rights necessary to conduct such mining, and has either obtained or is pursuing the administrative, environmental, and other approvals necessary to commence such mining. One such approval needed by Tata is either the consent of the Hodges as surface owners, or an Order from the Council in lieu of such consent.

3. Tata previously sought consents from the Hodges, but experienced complications due to, among other things, the ongoing Estate of Marvin K. Hodges. Consequently, Tata filed an Application with the DEQ and the Council on August 2nd, 2016 (“Application”), requesting an Order in Lieu of Consent to amend its Alchem Mine Plan in Sweetwater County pursuant to Wyoming Statute §35-11-406(b)(xii).

4. Tata provided copies of its Application to all of the Hodges, as well as all of the Heirs of Marvin K. Hodges on or about July 25, 2016, as indicated by the *Certificate of Services* attached hereto as **Exhibit B**. In addition, both prior to and again on October 27, 2016, Tata provided to all of the Hodges and to all of the Heirs of Marvin K. Hodges copies of the following documents and information:

- a. Tata’s mining plan and reclamation plan;
- b. Sufficient detail regarding Tata’s mining plan and reclamation plan so as to illustrate the full proposed surface use including proposed routes of egress and ingress on the Hodges’ lands;

- c. Information demonstrating that Tata's proposed use of the surface of the Hodges' lands within Tata's proposed mine plan does not substantially prohibit the operations of the Hodges as surface owners; and
- d. Information demonstrating that Tata's proposed plan reclaims the surface to its approved future use and as soon as feasibly possible thereafter.

5. Proof of mailing of such information to the Hodges Family and the Heirs of Marvin

K. Hodges is shown by the *Affidavit of Dale W. Cottam* filed in this docket.

6. The Hodges, and each of them, acknowledge receipt of all such information and documents listed in this *Stipulation* and the *Affidavit*.

7. The Hodges, and each of them, hereby consent to and approve of:

- a. Tata's existing mine plan and reclamation plan;
- b. Any and all amendments proposed in this docket to Tata's mine plan and reclamation plan;
- c. Tata's right to enter and carry out said mining and reclamation programs on the Hodges Lands as proposed by Tata;
- d. Any and all future amendments to Tata's mine plan and reclamation plan, so long as the proposed methods of mining and standards of reclamation are generally consistent with Tata's existing mine plan and reclamation plan;
- e. The form and sufficiency of any bond that Tata may propose in order to meet applicable DEQ or EQC regulations and requirements; and
- f. Any other plan, measure, aspect, or feature of Tata's existing or future overall mining plans, goals, and strategy so long as they comply with applicable law.

The Hodges, and each of them, further grant unrestricted access to the Tata mine site to the Wyoming Department of Environmental Quality, Land Quality Division to enter and carry out mine inspections on the Hodges Lands during normal business hours.

8. In furtherance of the Hodges' consent as described above, each of the Hodges have executed the attached Surface Owner Consents (Form 8), attached hereto as **Exhibit C**.

9. The Parties hereby request that the Council accept and approve this Stipulation, without the need for testimony or exhibits to be offered at the November 17, 2016 hearing scheduled in this matter. The Parties further request that the Council approve Tata's proposed mine plan and reclamation plan, its proposed bond, as well as any other item needing approval for Tata to proceed to mine under the surface of the Hodges' Lands.

10. This Stipulation may be executed electronically or by facsimile in one or more counterparts and each counterpart shall have the same force and effect as an original document and as if all the Parties had signed the same document. Any signature page of this Stipulation may be detached from any counterpart of this Stipulation without impairing the legal effect of any signatures thereon, and may be attached to another counterpart of the Stipulation identical in form hereto but having attached to it one or more signature page(s).

[Signature Page Follows]

DATED this ____ day of November, 2016.

Respectfully Submitted,



By: Dale W. Cottam, #6-2719
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DATED this ____ day of November, 2016.

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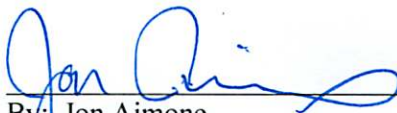
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Exhibit A

Legal descriptions for lands owned by Gary L. Hodges, James R. Hodges, Richard C. Hodges, and the Estate of Marvin K. Hodges, holding title as individual tenants in common, according to the Sweetwater County Real Estate Records.

Ranch Lands:

Township 17 North, Range 109 West, 6th P.M.

Section 1: Lots 1, 2, 3, 4, S/2NE/4, S/2NW/4, S/2, resurvey

Section 2: Lots 1, 2, 3, S/2NE/4, N/2SE/4

Section 12: Lots 2, 3, 7, NW/4SE/4, resurvey

Township 18 North, Range 109 West, 6th P.M.

Section 35: All

All of the above located in Sweetwater County, Wyoming.

Source documents:

Deed—B. 811, P. 1433, Sec. 1,35, Uinta Development to Hodges et al, 10-22-1990

Deed—B. 811, P. 1754, 17N-109W, Sec. 2, 12:

Exhibit B



CERTIFICATE OF SERVICES

Mr. Ruby,

Tata sent the Hearing Request to the following individuals at the addresses listed. Also listed is their relationship to Marvin K. Hodges (deceased) (heirs only):

Mark K. Hodges (son)

4051 Westland Drive

Anchorage, AK 99517

Debra D. Barger (daughter)

8301 Stuart Court

Bakersfield, CA 93311

Ian Hodges (grandson)

21 Mercantile Way

Ladera Ranch, CA 92694

Kimberlee Curry (daughter)

6318 Skinner Drive

Burke, VA 22015

Kimberlee Hodges Bray (granddaughter)

P.O. Box 1312

Big Piney, WY 83113

Garrett Hodges (grandson)

505 Reed Mesa Drive

Grand Junction, CO 81507

Clayton Hodges (grandson)

P.O. Box 3029

Alpine, WY 83128

Gary Hodges

130 Collier Circle

Green River, WY 82935

Richard Hodges

P.O. Box 236

Green River, WY 82935

James Hodges

P.O. Box 883

Green River, WY 82935

If I can be of any further service, please contact me.

Sincerely,

Mac Richardson –Mine Engineering Superintendent (Tata)

Office (307) 872-3667

Email mrichardson@tatachemicals.com