S/001/028 ?

United States Department of the Interior

TAKE PRIDE IN AMERICA

BUREAU OF LAND MANAGEMENT
Beaver River Resource Area
365 South Main Street
Cedar City, Utah 84720
(801) 586-2458
586-2401

3809
UT-044
UTU-72219

March 2, 1995

Mr. Gary Mullard
Northern Stone Supply, Inc.
P.O. Box 249
Oakley, ID 83346

RECEIVED
MAR - 3 1995
DIV OF OIL, GAS & MINING

Dear Mr. Mullard:

This letter acknowledges receipt of the notice to conduct mining activities on the Red Hill No. 1 unpatented mining claim located in Beaver County, Utah. It is understood that you have recently purchased this claim from Eugene Hodges. The notice has been reviewed for compliance with regulations found in 43 CFR 3809.1-3 and possible conflicts with cultural resources, threatened or endangered plants and animals, and land status. No immediate conflicts with these resources were found and the notice appears to be in compliance with federal regulations. The notice has been filed as case number UTU-72219, which is the same file in which Eugene Hodges' notice was placed. Please use this number in all future correspondence with this office.

There is a seep adjacent to the area in which you wish to work. Please use caution so that this area will not be harmed. No road improvement or off-road travel is authorized in the seep area.

The material you wish to remove may fall under the Mineral Materials Act of 1955 and should be sold by the BLM as a mineral material. The BLM may not sell mineral materials from public lands if there is a mining claim located on the property. You therefore have the following options:

1) Relinquish your mining claim and submit a request for a mineral materials sale contract to our office; or

2) Assert that the material found on site is an uncommon variety and is thus locatable under regulations found in 43 CFR 3711.

In order for a material to be considered an uncommon variety, it must have a distinct and special economic value. There have been numerous case law decisions regarding common versus uncommon varieties. If you have any information, such as a distinct and special marketability value of the material, please send this information to our office.

If you believe the material to be an uncommon variety, a mineral examination may be completed to make this determination. If it is decided by the mineral examiner that the material is a common variety, you will be financially responsible to the BLM for all material removed and may be fined under a trespass action.

A copy of the information provided in your notice has been forwarded to the Utah Division of Oil, Gas, and Mining (DOGM). Therefore, you will not be required to provide this information to them.

The operations described in your notice are the only actions considered accepted by the Bureau of Land Management. Any changes in the amount or type of ground disturbance must be submitted to this office as an amendment 15 days prior to initiation. Operations will be inspected twice a year or every 6 months to insure compliance with the notice and federal and state regulations.

Surface Management Regulations (43 CFR 3809) require reclamation of all disturbed public land and that reasonable measures be taken to prevent unnecessary or undue degradation of the land. Included with this letter is a set of Reclamation Standards and Standard Operating Procedures to be used during operations and reclamation. Final reclamation must be approved by the BLM before the file will be closed. Any deviation from these standards can necessitate a Notice of Noncompliance and bonding requirements for future work.

If your operations extend for more than a year, please advise us of the status of your mining activities on the anniversary of your notice. A new notice or amendment will need to be submitted at that time. Acceptance of this notice will not now, or in the future serve as a determination of the validity of any mining claim to which it may relate.

Thank you for submitting your notice as it shows your willingness to prevent unnecessary disturbance of our public lands. If you have questions regarding your notice please contact Gina Pack at this office.

Sincerely,

Arthur L. Tait

Arthur L. Tait
Area Manager

Enclosure
Standard Operating Procedures/Reclamation Standards

cc: Wayne Hedberg, DOGM - with copy of notice(S/001/028)