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DIV. OF OIL, GAS & MINING

S0230086

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
FILLMORE FIELD OFFICE
35 East 500 North
Fillmore, Utah 84631

TAKE PRIDE IN AMERICA

In Reply Refer to:
UTU-072898
UT-010

April 26, 2007

CERTIFIED MAIL #7006 2150 0003 7453 3211
RETURN RECEIPT REQUESTED

MCFARLAND & HULLINGER
ATTN: SID HULLINGER
PO BOX 238
TOELLE, UT 84074

-Decision-

Notice Expired - Reclamation Required

Dear Mr. Hullinger:

The Fillmore Field Office (FFO), Bureau of Land Management (BLM) received your proposed notice level operation located in T 12 S., R. 6W., SLM, sec 5 and serialized as UTU-072898 in 2000. Under the current surface management regulations a notice is approved for two years. Following this an extension must be filed with this office. UTU-072898 was accepted on November 8, 2004, and consequently expired on November 8, 2006. At this time reclamation is the only permitted activity on this site.

Reclamation responsibilities extend beyond the expiration of your notice until such a time as the BLM determines that the reclamation is satisfactorily complete. Failure to begin reclamation promptly or to conduct reclamation to BLM specified standards is subject to the enforcement actions specified in 43 CFR 3809.601 to 3809.701.

Pursuant to 3809.300 (d), you may not conduct any operations under an expired notice. If you wish to continue operations you must comply with current surface management regulations and submit a new notice, for exploration activities, or a plan of operations, for mining activities. Reclamation may be postponed if you file a new notice or plan of operations with this office pursuant to 43 CFR 3809.301 within 30 days from the receipt of this decision. The new notice or plan of operations and an acceptable financial guarantee must be accepted by this office prior to commencing any operations. If the newly submitted notice or plan of operations is not accepted, or you do not timely post the appropriate financial guarantee as requested for either a notice or a plan, you must begin reclamation within 30 days of the BLM's decision finding that the new notice or plan or financial guarantee is incomplete or unacceptable.

If you do not pursue operations within the project area within 30 days of the receipt of this decision, reclamation must begin on the 31st day, and be completed at the earliest feasible time, unless you contact this office and gain approval to postpone commencement.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.800, you may request that the Utah BLM State Director review this decision. If you request

a State Director review, the request must be received in the Utah BLM State Office, P.O. Box 45155, Salt Lake City, Utah 84145-0155, no later than 30 calendar days after you receive this decision. A copy of the request must also be sent to this office. The request must be in accordance with the provisions provided in 43 CFR 3809.805. If a State Director review is requested, this decision will remain in effect while the State Director review is pending, unless a stay is granted by the State Director. Standards for obtaining a stay are given below. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

If the State Director does not make a decision regarding your request for review of this decision within 21 days of the BLM's receipt of the request, you should consider the request declined and you may appeal this decision to the Interior Board of Land Appeals (IBLA). You may contact the Utah BLM State Office to determine when the BLM receives the request for State Director Review. You have 30 days from the end of the 21 day period in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass a State Director review, this decision may be appealed directly to the IBLA in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office at 35 East 500 North, Fillmore, Utah 84631 within 30 days from the receipt of this decision. The appellant has the burden of proof showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the IBLA, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of this notice of appeal and petition for a stay must also be submitted to each party named in the decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellants success on the merits,
3. The likelihood of immediate and irreparable harm in the stay is not granted, and
4. Whether the public interest favors granting the stay.

If you have any questions or concerns please feel free to contact Matt Rajala, NRS Geology, at (435) 743-3124.

Sherry K Hurst
Field Office Manager

4-26-07
Date

Enclosures:
Form 1842-1

CC:
Tom Monson, UDOGM (S/023/086)