



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Medford District Office
3040 Biddle Road
Medford, Oregon 97504
email address: BLM_OR_MD_Mail@blm.gov

IN REPLY REFER TO:

3809 (ORM020)
OR6832201
ORMC20078-ORMC20083

MAR 18 2015

Effective date is date of delivery

DECISION

CERTIFIED MAIL - RETURN RECEIPT REQUESTED (7004 2510 0004 2768 3221)

George E. Backes : 43 CFR 3809

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CERTIFIED MAIL - RETURN RECEIPT REQUESTED (7004 2510 0004 2768 3214)

Rick Barclay : 43 CFR 3809

P.O. Box 3397 :
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Applegate, OR 97530 :

Notice of Noncompliance

On January 28, 2015, the Bureau of Land Management (BLM) conducted a site inspection of the Sugar Pine, Sugar Pine Ext, Black Jack, Black Jack #3, Oregonian, and Golden Cycle mining claims (ORMC20078-ORMC20083) located in Township 35 South, Range 8 West, Sections 3 and 4, Willamette Meridian, Josephine County, Oregon.

The BLM observed the presence of mechanized earth-moving equipment (a small bulldozer and a mini-excavator) which has been used recently to bury and install a water pipe system, improve roads, clear adit entrances, and level areas for structures and work areas.

A review of the files shows a Public Law 167 determination, OR06656 and OR13801, as denoted on the Federal Master Title Plat, pre-1955 "surface rights" do not exist on any of the above-mentioned claims.

The observations exceed "casual use" as defined by 43 Code of Federal Regulations (CFR) § 3809.5 and required a notice or plan of operations. Neither a notice nor plan of operations has been filed with the BLM for the observed mining activities at this location.

Based on our inspection and records, the BLM finds that you have violated the following prohibited acts described in 43 CFR § 3809.605 (enclosed):

- § 3809.605(b) Beginning operations other than casual use, before filing a notice as required by § 3809.21 or receiving an approved plan of operations as required by § 809.412. You do not have concurrence for notice activities or an approved plan of operations at this location.
- § 3809.605(d) Beginning operations prior to providing a financial guarantee. You have not submitted a financial guarantee for these operations.

Under the authority of 43 § CFR 3809.601(a), you are ordered to:

- Submit a complete notice or plan of operations per § 3809.301 or § 3809.401 within 30 days of receipt of this order.
- Submit an acceptable financial guarantee that meets the requirements of § 3809.551 within 30 days of either notice concurrence from the BLM or plan of operation approval from the BLM.
- Immediately cease any activities other than casual use or reclamation until you have received BLM concurrence with your notice or approval of your plan of operations and BLM has accepted your financial guarantee.
- Unless otherwise authorized, the above-ordered actions shall be completed within 60 days of receipt of this letter.

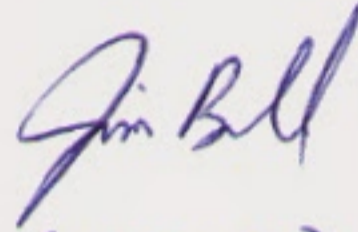
Alternatively you may:

- Remove all mechanized earthmoving equipment from the mining claims within 30 days of receipt of this order.
- Reclaim all disturbances caused by mechanized earthmoving equipment no later than 30 days of receipt of this order.
- Restrict mining activities to casual use unless you have concurrence or authorization from the BLM.

If you do not comply with any part of this order, the BLM may take further action against you pursuant to 43 CFR § 3809.601(b) and issue a Suspension Order. Additionally, action could be taken under 43 CFR § 3809.604 or § 3809.700.

If you do not agree and are adversely affected by this decision you may ask for a review by the State Director as described in § 3809.800 or you may appeal to the Interior Board of Land Appeals under the provisions of 43 CFR part 4 (appeal procedures and Form 1842-1, enclosed).

If you have any questions, please contact Kirby Bean at (541) 618-2233.



(ACTING FOR)

Allen Bollschweiler
Field Manager
Grants Pass Resource Area

Enclosures

cc:

Adam Sully
Special Agent
U.S. Bureau of Land Management
1717 Fabry Road SE
Salem, OR 97306