

# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Tonopah Field Office  
P.O. Box 911 (1553 South Main Street)  
Tonopah, Nevada 89049  
Phone: 775-482-7800 Fax: 775-482-7810  
www.blm.gov nevada

REC'D - BLM - NSO  
9:00 A.M. JUL 24 2017

*No change to RCE-  
noncompliance.*

In Reply Refer To:  
**N-92233**  
3809 (NVB0200)

CERTIFIED MAIL – RETURN RECEIPT REQUESTED 91 7199 9991 7038 0533 4201

## DECISION

Sumin Exploration & Mining LLC :  
2324 E Calle Los Altos : Surface Management  
Tucson, AZ 85718 :

## NONCOMPLIANCE ORDER

In accordance with 43 CFR 3809.601, this Decision finds Sumin Exploration & Mining LLC, **Start Dust (Project)**, Bureau of Land Management (BLM) case file number N-92233, in noncompliance with the 43 CFR 3809 Surface Management Regulations.

Based on BLM records, the operator of Star Dust Project is in violation of the following regulations; 43 CFR 3809.605 (e) Failure to meet the requirements of (43 CFR 3809.335 (a) (2)) when your notice expires. Therefore, the BLM is issuing a noncompliance order under these regulations.

Under authority of 43 CFR 3809.601 (a), Sumin Exploration & Mining LLC is ordered, within 30 days of receipt of this letter, to commence the reclamation required by your Notice on file with the BLM or file a new Notice or Plan of Operations for the project area.

If Sumin Exploration & Mining LLC does not comply with this Order, BLM may take further action against the company that may result in revocation of the Notice for the Project as described in 43 CFR 3809.602. Further, the BLM may initiate forfeiture of your financial guarantee as per 43 CFR 3809.595.

No operations, other than reclamation, are allowed and are considered prohibited acts pursuant to 43 CFR 3809.605.

NVB1660

If you are adversely affected by this decision, you may request that the Nevada BLM State Director review this decision. If you request a State Director Review, the request must be received in the BLM Nevada State Office at:

BLM Nevada State Office  
State Director  
1340 Financial Blvd.  
Reno, Nevada 89502-7147

no later than 30 calendar days after you receive or have been notified of this decision. The request for State Director Review must be filed in accordance with the provisions in 43 CFR 3809.805. This decision will remain in effect while the State Director Review is pending, unless a stay is granted by the State Director. 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 on your request for review of this decision within 21 days of 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 BLM Nevada State Office to determine when the BLM received 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 this office at 50 Bastian Road, Battle Mountain, NV 89820, which we will forward to IBLA.

If you wish to bypass a State Director Review, this decision may be appealed directly to the IBLA in accordance with the regulations at 43 CFR 3809.801(a)(1). Your Notice of Appeal must be filed in this office at 50 Bastian Road, Battle Mountain, NV 89820, within 30 days from receipt of this decision. As the appellant you have the burden of showing that the decision appealed from is in error. Enclosed is BLM Form 1842-1 that contains information on taking appeals to the IBLA.

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

#### Request for a Stay

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 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 IBLA 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

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 must show sufficient justification based on the following standards:

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

If you have any questions concerning this Noncompliance Order, contact William Coyle, Assistant Field Manager, Non-Renewable Resources, at (775) 482-7800 or at the above address.

**William H. Coyle**

Timothy J. Coward  
Field Manager

Enclosure

cc: Branch of Minerals Adjudication  
ecc: Kirk Rentmeister



# United States Department of the Interior



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REC'D - BLM - NSO  
9:00  
A.M. SEP 01 2017

In Reply Refer To:  
N-92233  
3809 (NVB0200)

CERTIFIED MAIL- RETURN RECEIPT REQUESTED: 91 7199 9991 7038 0598 5762

## DECISION

Sumin Exploration & Mining LLC :  
2324 E Calle Los Altos : 43 CFR 3809 Surface Management  
Tucson, AZ 85718 : Notice

## FORFEITURE OF FINANCIAL GUARANTEE

Pursuant to the provisions at 43 CFR 3809.595 through 3809.599, the Bureau of Land Management (BLM) is pursuing forfeiture of the financial guarantee for your operation **Stardust (N-92233)** on/near Section(s) 24 & 25, T. 3 N., R.46 E. & Section(s) 19 & 30, T. 3 N., R 47 E., Mount Diablo Meridian, Nye County, NV. On July 20, 2017, a decision was issued by this office requiring Within 30 days of receiving that decision, you must commence the reclamation required by your Notice on file with the BLM or file a new Notice or Plan of Operations for the project area. Forfeiture of your financial guarantee is being taken because you failed to meet these conditions within the timeframe provided in the noncompliance order.

Based on the estimated total cost of achieving the reclamation plan requirements, including the BLM's administrative costs, the BLM will require the forfeiture of \$16,912.00 from your financial guarantee.

You may avoid this forfeiture action by completing one of the following:

Providing a written agreement under which you or another person will perform reclamation operations in accordance with a compliance schedule which meets the conditions of your Notice or approved Plan of Operations and reclamation plan. Where the work will be done by another person, the agreement must demonstrate they have the ability, both technically and financially, to satisfy the conditions.

Obtaining written permission from the BLM for a surety to complete the reclamation, or portion of the reclamation, applicable to the bonded phase or increment. The surety must demonstrate an ability to complete the reclamation in accordance with the reclamation measures incorporated in your Notice or approved Plan of Operations.

NVB1660

This decision will remain in effect while the IBLA reviews the case, unless a stay is granted by the IBLA. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Request for a Stay

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 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 IBLA 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 must show sufficient justification based on the following standards:

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

Contact - If you have any questions concerning this reduction in the financial guarantee amount, contact William Coyle, Assistant Field Manager, Non-Renewable, at (775) 482-7800 or at the above address.

TIMOTHY J. COWARD

Timothy J. Coward  
Field Manager

Enclosure

cc: Branch of Minerals Adjudication  
NSO Attention: Kirk Rentmeister



# United States Department of the Interior




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Phone: 775-482-7800 Fax: 775-482-7810  
www.blm.gov nevada

In Reply Refer To:  
3809 (NVB0200)  
N-92233, N-91771, N-73645, N-88797

FEB 08 2018

Memorandum:

To: Lacy Trapp  
Supervisory Land Law Examiner, NSO

From: Timothy Coward   
Field Manager, Tonopah Field Office

Subject: Collection of Financial Guarantees (N-92233, N-91771, N-73645 & N-88799)

Sumin Exploration and Mining, LLC, was notified January 4, 2017 of the Notice Expired-Reclamation Required decision by the Tonopah Field Office Manager, via certified mail. Sumin was notified on July 20, 2017 with a Noncompliance Order decision by the Tonopah Field Manager, via certified mail. Sumin was then notified August 30, 2017 of the Forfeiture of Financial Guarantee decision by the Tonopah Field Manager, via certified mail. Sumin was given 30 days to respond or appeal the decision, but did not. Therefore, TFO requests NSO collect the financial guarantee for the Stardust Project (N-92233).

American Diatomite, Inc., was notified January 4, 2017 of the Notice Expired-Reclamation Required decision by the Tonopah Field Manager, via certified mail. American Diatomite was notified July 20, 2017 with a Noncompliance Order decision by the Tonopah Field Manager, via certified mail. American Diatomite was notified August 30, 2017 of the Forfeiture of Financial Guarantee decision by the Tonopah Field Manager, via certified mail. American was given 30 days to respond or appeal the decision, but did not. Therefore, TFO requests NSO collect the financial guarantee for the White Mountain Exploration Project (N-91771).

Sierra MM&E Corp., was notified January 4, 2017 of the Notice Expired-Reclamation Required decision by the Tonopah Field Manager, via certified mail. Sierra was then notified July 20, 2017 with a Noncompliance Order decision of the BLM Tonopah Field Manager, via certified mail. Sierra was notified August 30, 2017 of the Forfeiture of Financial Guarantee decision of the Tonopah Field Manager, via certified mail. Sierra was given 30 days to respond or appeal the decision, but did not. Therefore, TFO requests NSO collect the financial guarantee for the Palmetto Wash Project (N-73645).

REC'D - BLM - NSO  
9:00  
A.M. FEB 08 2018

Western Pacific Resources Corp., was attempted to be notified June 27 and July 20, 2017 of the Notice Expired-Reclamation Required decision by the Tonopah Field Manager, via certified mail. Both letters were returned with no known forwarding address. TFO located a current web site for Western Pacific Resources, with contact information in Vancouver BC. A call on October 5, 2017 was not answered. An email on October 5, 2017 from BLM to [info@wrpv.ca](mailto:info@wrpv.ca) was not answered. This notice expired in 2012. Western Pacific Resources has not maintained current contact information with BLM and cannot be contacted. Therefore, the Tonopah Field Office requests NSO collect the financial guarantee for the South Lida Project (N-88797).



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Nevada State Office  
1340 Financial Boulevard  
Reno, Nevada 89502-7147  
<http://www.blm.gov/nv>

J.R. 2/9/2018

In Reply Refer To:  
3809 (NV921r)

FEB 09 2018

9171 9690 0935 0098 2261 05

## DECISION

CERTIFIED MAIL 9171 9690 0935 0098 2261 05

Obligor:	:		
Sumin Exploration & Mining	:	BLM Bond Number:	NVB001660
2324 E Calle Los Altos	:	Bond Amount:	\$16,912
Tucson, AZ 85718	:		

### Personal Bond Appropriated

The BLM Nevada State Office (NSO) currently holds BLM bond number NVB001660 with Sumin Exploration & Mining, as principal, in the amount of \$16,912. The bond provides surface reclamation coverage for operations conducted by the principal on NVN092233, the Stardust Project.

On August 30, 2017, the BLM Tonopah Field Office determined bond forfeiture for NVN092233 for failure to perform required reclamation work pursuant to 43 CFR 3809.595. Because you are in default of the terms and conditions on NVN092233, payment under NVB001660 in the amount of \$16,912 is required.

Bond NVB001660 is secured by certified funds held in the NSO's reclamation account. We hereby advise the obligor named above that, in accordance with the terms of the personal bond and the power of attorney given to the Secretary of the U.S. Department of the Interior, we have appropriated \$16,912 for failure of the obligor to adequately reclaim NVN092233.

If you have any questions, please call Kelly Rodriguez at 775-861-6632, or send electronic mail to [kbrodriquez@blm.gov](mailto:kbrodriquez@blm.gov).

Lacy Trapp  
Supervisory Land Law Examiner  
Branch of Mineral Resources (Solids)

cc: NVB0200 (WCoyle)





Rodriguez, Kelly &lt;kbrodriguez@blm.gov&gt;

**Re: Notice Level Bond Forfeiture Memo - Sumin Exploration & Mining**

1 message

**Rodriguez, Kelly** <kbrodriguez@blm.gov>

Tue, Feb 13, 2018 at 10:10 AM

To: William Coyle &lt;wcoyle@blm.gov&gt;

Cc: Timothy Coward &lt;tcoward@blm.gov&gt;, Douglas Furtado &lt;dfurtado@blm.gov&gt;, Kirk Rentmeister &lt;krentmei@blm.gov&gt;, Daniel Atkinson &lt;datkinson@blm.gov&gt;, Daniel Patterson &lt;dpatterson@blm.gov&gt;

Will,

We have collected on the bond as requested for NVN092233, the Stardust Project.

Funds in the amount of **\$16,912** have been deposited into the 5320 account, in two sums. The CBS receipt number is 2859387 and the transaction number is 2945234 for \$14,263, and the receipt number is 2879125 and transaction number 2965231 for \$2,649.

Please have your accounting staff request a WBS code, and then the funds can be transferred to a 5321 account for your use.

Please let me know if I can provide further assistance.

Thank you,

Kelly Rodriguez  
Land Law Examiner, Bond Specialist  
Bureau of Land Management  
Nevada State Office  
775-861-6632

----- Forwarded message -----

From: **Coyle, William** <wcoyle@blm.gov>

Date: Thu, Feb 8, 2018 at 9:47 AM

Subject: Notice Level Bond Forfeiture Memo

To: Lacy Trapp &lt;ltrapp@blm.gov&gt;, Kirk Rentmeister &lt;krentmei@blm.gov&gt;

Cc: "Coward, Timothy J" &lt;tcoward@blm.gov&gt;, Douglas Furtado &lt;dfurtado@blm.gov&gt;

Please see the attached memo in regards to four notices that have that went through the process within the Tonopah Field Office to collect their Bonds.

Questions can be directed to myself until the end of February after that time please direct questions to the Field Manager Timothy Coward.

Thank You

--  
William Coyle  
Assistant Field Manager Non-Renewable Resources  
Bureau of Land Management  
Tonopah Field Office  
[wcoyle@blm.gov](mailto:wcoyle@blm.gov)  
Office: (775) 482-7803  
Fax: (775) 482-7810

BUREAU OF LAND MANAGEMENT

BOND ABSTRACT

BLM BOND NO: NVB001660  
 DOCUMENT ID: CBSX 2945234&2965231  
 CASE TYPE: 380913 SURFACE MGT- NOTICE

DISPOSITION: CLOSED

NAME AND ADDRESS OF BOND PARTIES

B20130191 BONDED PRINCIPAL  
 SUMIN EXPLRN & MIN  
 2324 E CALLE LO ALTOS  
 TUCSON AZ 85718

NAME AND ADDRESS OF SURETY PARTIES

SERIAL NUMBER(s):  
 NVN 092233

BOND AREA: INDIVIDUAL  
 TYPE OF LAND: OTHER  
 BOND TYPE: GUARANTEED REMITTANC

STATES COVERED:  
 BOND AMOUNT:\$16,912

BONDED ACTIVITY/PURPOSE

SURF MGT RECL 3802/3809

COMMODITY(IES)

TO BE DEFINED

ACTION CODE	ACTION DATE	ACTION TAKEN	ACTION REMARKS	PENDING
468	08/19/2013	BOND FILED		
469	08/29/2013	BOND ACCEPTED	EFF8/19/13	
478	09/10/2013	RIDER FILED		
480	09/18/2013	RIDER UNACCEPTABLE	WRONG FORM	
478	10/17/2013	RIDER FILED	INC BD 2 \$16,912	
479	10/29/2013	RIDER ACCEPTED	EFF 10/17/13	
483	08/30/2017	DEFAULT DETERMINED	BY FO/\$16,912	
485	02/09/2018	DEFAULT CORRECTED	BOND APPROPRIATED	
486	02/09/2018	PMT BY SURETY/PRINCIPAL	\$16,912	
970	02/09/2018	CASE CLOSED		

GENERAL REMARKS

LINE # REMARK

000 YELLOW CONE NOTICE