

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

MINERAL REPORT
Surface Use Determination
For
The Eagle 1
Mill Site Claim

(Title)

LANDS INVOLVED
Clark County, Nevada
T. 26 S., R. 64 E., MDM
Section 14, NW¼SE¼
Approximately 1.06 Acres

Prepared by: Edward Seum
(Signature)

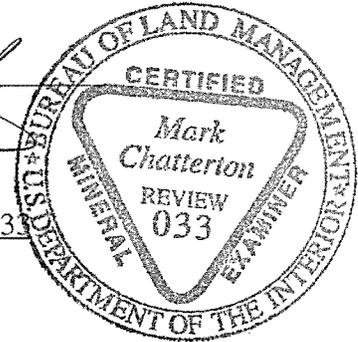
Minerals Specialist
(Title)

May 24, 2001
(Date)

[Signature]
(Signature)

Certified Review Mineral Examiner #0033
(Title)

May 24, 2001
(Date)



Technical Approval:

Larry L. Steward
(Signature)

Geol. CRME #013
(Title)

5/30/2001
(Date)

Management Acknowledgment:

Mark I. Morse
(Signature)

Las Vegas F.M.
(Title)

6-04-01
(Date)

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Attachments: Maps, Documents and Photographs

I. Summary

Surface disturbing activities currently taking place on the claim consist mainly of the storage of inoperable equipment. Most of the equipment predates the current claimant and operator. Occupancy consists of a large wooden building in need of repairs. Mining equipment on the site is inoperable and would require considerable work and repair to become operable. A locked gate, maintained by Peña, not on the claim blocks access. The mill site is both dependent and independent. The owner of the mill site, and the operator, have lode claims on both public and private lands which are not currently in operation.

The subject lands are located within the boundary of the Eldorado Canyon (Nelson) Mining District. During the field investigation, locatable minerals, or indications thereof, were not observed on the subject lands.

The subject lands are not considered prospectively valuable for Mineral Leasing Act minerals.

The potential for the production of saleable minerals is considered to be low. Quantities of materials that could be used for mineral materials are not sufficient, or of good enough quality, to represent an economic deposit.

II. Conclusions

Based on the inspection of April 19, 2000, the follow-up inspection of January 5, 2001, and inspections prior to that, it is our professional opinion that activities on this site do not meet the requirements of 43 CFR 3715.2, 3715.2-1 or 3715.5.

- 1) There are no milling or mining operations taking place that would require the level of occupancy which is taking place.
- 2) Activities on the site do not constitute substantially regular work. No ore has been stockpiled or processed on the mill site by the current claimant since his filing of the claim. Storage of equipment on the site is the only use.
- 3) There are no activities and equipment on the site that can be reasonably calculated to lead to the extraction and beneficiation of minerals.
- 4) Operations do not involve observable on-the-ground activities that BLM may verify under Sec. 3715.7.
- 5) The primary use of the claims is for non-mining related occupancy. The equipment present that could be reasonably incident to a theoretical operation is

not operable, would require major work before it could be adapted for actual mineral production or mining operations and could be removed since no mining operations are taking place on the claims.

- 6) Since no valuable minerals are exposed, the present occupancy is beyond that needed to protect exposed, concentrated or otherwise accessible valuable minerals from theft or loss.
- 7) The occupancy is not needed to protect from theft or loss appropriate, operable equipment which is regularly used, is not readily portable and cannot be protected by means other than occupancy. The equipment could be removed since there are no operations occurring.
- 8) The occupancy is not needed to protect the public from appropriate, operable equipment which is regularly used, is not readily portable, and if left unattended, creates a hazard to public safety.
- 9) The occupancy is not needed to protect the public from surface uses, workings, or improvements which, if left unattended, create a hazard to public safety. The occupancy and storage of inappropriate or inoperable equipment and non-mining related items or junk creates an attractive nuisance and hazard to the public. Removal of the occupancy, inappropriate or inoperable equipment and non-mining related items and junk would eliminate any perceived need for the occupancy.
- 10) The site is not located in an area so isolated or lacking in physical access as to require the mining claimant, operator or workers to remain on site in order to work a full shift of a usual and customary length. The site is within an hours travel distance of Las Vegas, Nevada.
- 11) Having equipment, machinery and other personal property on site that is inoperable or inappropriate for the purposes to which the claim is actually put, and which can not be adapted for actual mineral production or mining operations, causes unnecessary and undue degradation of the public lands and resources.

III. Recommendations

Based on the field examinations of April 19, 2000 and January 5, 2001, the Bureau of Land Management should issue a notice of noncompliance as described in 43 CFR 3715.7-1 (c)(1). The notice of noncompliance should use the items in the conclusion section of this report to describe how the occupancy is not reasonably incident.

The notice of noncompliance should require the removal of the locked cable blocking access to the area, the wooden building, inoperable mining equipment and other items stored on the site.

IV. Introduction

On April 19, 2000 an examination of the Eagle 1 mill site claim, NMC703827, was made by Edward Seum, a geologist from the Las Vegas Field Office. David Pierce, the operator, was present during the inspection. Mr. Pierce represented the claimant, Frank F. Peña. A subsequent inspection of the site was made with Mark Chatterton on January 5, 2001. Neither the claimant or operator were present. The claim is located on public land in Clark County, Nevada. Access to the site is blocked by a locked gate across a road located on public lands.

The purpose of examining the site was to see if activities reasonably incident to prospecting, mining, or processing operations within the meaning of 30 USC 612 (a), 43 CFR 3712.1 and 43 CFR 3715, were taking place which would warrant occupancy. The findings and conclusions were used by the authors to formulate their professional opinion as to the proper use of the subject mining claims and should not be used for any purposes other than that for which the report was prepared and intended by the authors.

V. Lands Involved and Physiographic Data

The Eagle 1 mill site claim is located southeast of Nelson, Nevada (see Maps 1 & 2). Physical and legal access are provided by utilizing the road and highway system of Clark County, and the State of Nevada.

To reach the site take U.S. Highway 95, south, to State Route 60. Follow S.R. 60 to Nelson, Nevada. Go south on the gravel road heading into Aztec Wash. The site is approximately two miles down this road, on the west side.

Both the surface and mineral estates are in Federal ownership (see MTP) and under the jurisdiction of the Bureau of Land Management. A segregation for land exchange, N-61968 was noted in Bureau of Land Management records on October 1, 1997. Lands covered by the segregation were removed from entry under the Mining Law and include the lands covered by the Eagle 1 claim. However, the segregated area is outside of any disposal area identified by the Las Vegas Resource Management Plan.

The legal description of the subject claim is:

Eagle 1	Meridian:	Mount Diablo
	Township:	26 South
	Range:	64 East

Section:	14
Legal Subdivision:	NW¼SE¼
Acres:	1.06

Claim History

The Eagle 1 mill site claim, NMC703827, was located by Randolph Patay on August 19, 1994. An amended location was filed by Patay on September 1, 1994. The mill site claim was located in T. 26 S., R. 64 E., sec. 14, NW¼SE¼. The claim was quit claimed by Patay to the British American Mining Corporation on November 4, 1994, and subsequently back to Patay on January 17, 1995. On June 20, 1995 the claim was deeded to Edward W. Estrella. Estrella quit claimed the property to Frank F. Peña on August 8, 1996. The transfer of interest was filed with the BLM State Office on August 12, 1996. At the time of transfer the claim was 4.99 acres. On April 6, 1998, Frank F. Peña filed an amended certificate of location and amended mill site map for the Eagle 1 claim. The amendment resulted in a reduction of acreage, whereby the claim was reduced from 4.99 acres to 1.06 acres. Attachment A, shows the original and amended claims.

Prior to location by Patay, this site had a number of claim names, claimants and operators. The wooden building and most of the equipment and other items on the site are left over from these previous claimants/operators. A Notice number, N53-97-017N, was assigned for surface disturbing activities on the Eagle 1 claim July 7, 1997. This Notice is currently used to track activities on the claim.

VI. Environmental Considerations

The area is in the Eldorado Canyon (Nelson) Mining District (Longwell et. al., 1965). No cultural resources have been identified on the property. The site is located within low density desert tortoise habitat. The desert tortoise is listed as a threatened species by the U.S. Fish and Wildlife Service. The site was disturbed in the 1980's prior to listing of the tortoise. No mitigation fees or measures are required since the area is being disturbed under a Notice. The operator currently has no take of desert tortoise under the Endangered Species Act.

Operations on the site should not degrade ground waters of the State. There are no wells or drill holes drilled on the property which might come into contact with ground waters. Mercury was found in the past, in the wash adjacent to the site. The mercury was attributed to activities taking place prior to the current claimant. The mercury was cleaned up by the Environmental Protection Agency, and therefore no longer presents a hazard.

The site is not located in a non-attainment area. Activities currently taking place on the site are limited to occupancy. No decrease in air quality can be expected.

The site is required to be reclaimed under the 43 CFR 3809 regulations. The 3809 regulations require that the disturbed lands be returned to a productive post-mining land use.

There are no other known environmental considerations associated with this site.

VII. Inspection History

Inspections on this site have been performed by the BLM at various times. A table showing the dates of inspection, inspector and picture numbers (attached to this report) is shown below.

<u>Date Inspected</u>	<u>Inspector</u>	<u>Picture #</u>
06-19-97	Joel Mur	
06-27-97	Joel Mur	
07-10-97	Glen Miller	
12-09-97	Joel Mur	
12-19-97	Joel Mur	
08-19-98	Joel Mur	4-8
08-26-99	Joel Mur	9-10
07-26-00	Joel Mur	11-12
04-19-00	Edward Seum	13-24
01-05-01	Edward Seum	25-35

On June 19, 1997 an inspection was completed on the above listed claim. At that time several case files were still open for the site. The inspection found some one gallon bottles of lab chemicals in the building, which was unsecured. A sign indicating that the operator was Gladiator Corp. was posted at the entrance. No Notice for Gladiator Corp. was on file. Records showed that the only current claim was by Frank Peña. No one was on the site during the inspection. A followup inspection on June 27, 1997 found the site had not changed. A July 10, 1997 inspection found the building to still be unsecured and no one on site. The inspection of December 9, 1997 found the site unchanged. The

December 19, 1997 inspection still found no use taking place on the site. An unlicensed vehicle was also found on the site.

An inspection on August 19, 1998 found no one on site, and no mining related activities taking place. Tables and chairs were found in the building, which was still not secured (photos 4-8). The August 26, 1999 inspection found no one on site and no mining related activity taking place (photos 9-10). The July 26, 2000 inspection found the area to be in the same condition as the previous inspection (photos 11-12).

The inspection of April 19, 2000 found no activity and is documented as part of this report (photos 13-24). The inspection of January 5, 2001 found no one on site. No materials for processing were on the site. The building had broken windows and holes in the roof. Mining equipment on the site showed no signs of recent use and would have required much work to become operable. Parts and debris were scattered on the north side of the claim (photos 25-35).

Inspections since mid 1997 have found no mining or milling operations ever occurring. The site is not being maintained and has exhibited an extended period of non-operation.

VIII. Geologic Setting

Regional Geology

The site is in the Eldorado Mountains. The Eldorado and Opal Mountains form a highland that generally trends northeast-southwest for approximately 38 miles, from Hoover Dam to Searchlight, Nevada. The Eldorado Mountains make up the northern portion of the highland while the Opal Mountains make up the south portion, with the Nelson area being the approximate dividing line. The range is bounded on the west side by the Eldorado Valley, and on the east side by the Colorado River. Bedrock in the area of the subject lands consists of a medium grained rock, of near quartz monzonite composition, and Precambrian in age. A number of faults occur in the Tertiary volcanics to the north of the site.

IX. Site Geology

A field examination of the subject lands was conducted on April 19, 2000. The land surface has been highly disturbed by activities conducted by previous operators, since the late 1980's. The surrounding area has a sparse cover of vegetation.

The site is on the finger of an east-west ridge, bounded on the north by Morning Star Wash and the south by Eagle Wash. According to the *Geologic Map Of Clark County, Nevada* (Longwell, Pampeyan and Bowyer, 1964) the area is made up of undivided

Precambrian rocks. Other than in the washes, mineral materials in the form of sand and gravel are nonexistent.

No samples for locatable minerals were taken.

X. Mining History of the Vicinity

The lands occur within the Eldorado Canyon (Nelson) Mining District (Longwell et. al., 1965). The district became active in 1857 with the discovery of gold. Metal mines opened in 1905 with chief production occurring during 1905 - 07 and 1934 - 41. Mining has been sporadic with small amounts of production since 1941. Production figures through 1961 indicate that at least 101,000 ounces of gold, 2.4 million ounces of silver, 34,000 lbs of copper and 169,000 lbs of lead have been produced. Some exploration in the area has occurred recently but has not resulted in any major production.

The Morning Star patent is the closest mine to the subject lands, sitting approximately 500 feet to the north of the mill site. There are no reports of production from this patent. The majority of production in the district comes from quartz veins found in Tertiary quartz monzonite and andesite, or Precambrian gneiss and schist.

A site located north of the Eagle 1 mill site claim, in sec. 11, T. 26 S., R. 64 E., was mined by the Eldorado Rover Mining Co. Workings explored quartz veins in a quartz monzonite or at the contact of quartz monzonite and andesite. The underground workings totaled approximately four miles. The value of gold and silver production from the mine through 1937, totaled \$550,000.00.

Other than some bentonite clay mined in T. 26 S., R. 64 E., sec. 4, there is no record of nonmetallic minerals having been produced in the area.

XI. Analysis of Surface Uses

Claim Development

On April 19, 2000 an examination of the Eagle 1 mill site claim, NMC703827, was made by Edward Seum, a geologist from the Las Vegas Field Office. David Pierce, the operator, was present during the inspection. Mr. Pierce represented the claimant, Frank F. Peña. A locked gate blocks access to the claim (photos 5, 25). Prior to amending the claim boundaries in 1998, the gate was located on the Eagle 1 mill site claim. With the 1998 amendment, it is no longer on the claim.

A wooden building, in deteriorating condition is located on the claim (photos 6-8, 10-16, 21-22, 29, 33-35). The building was on the site prior to Peña filing his claim (photos 1-3). The building has damage to the windows and holes in the roof (photos 21-22, 29, 33-

35). The remnants of a processing circuit sits adjacent to, and on the south side of the building (photos 1-3, 7, 10-11,13, 21-22, 33-34). The circuit was also on the site prior to Peña (photos 1-3). A rod mill and some separating tables are all that are left of the circuit (photos 21, 23-24, 30-31, 33). Several tanks for water, and one for fuel storage sit on the hill, west of the wooden building (photos 2, 11, 13, 17, 26, 28). Parts of mining equipment and other debris are located on the north and west sides of the building (photos 18-20, 27).

The following summarizes Mr. Pierce's oral statements about the site, made to Edward Seum, during the inspection.

1. Access to the area was blocked to keep people out. People were coming in and stealing stuff. The building had been broken into. Batteries, a battery charger and breaker boxes had been stolen.
2. Pierce had removed the remaining spiral tanks from the processing circuit after two had been stolen. He has the other tanks stored offsite to protect them.
3. Pierce has equipment to use on the site, but is reluctant to bring it in because of vandals.
4. The mill site is a combination dependent and independent mill site. Frank Peña, the claimant, holds the Spread Eagle claims on public lands south of Searchlight, Nevada. Pierce has negotiated with claimants on public and private lands in the area of the Eagle 1 mill site. He has contracts with some of them. (He was asked to submit copies of the contracts by May 1, 2000. None have been received.)
5. Pierce has conducted a sodium saline leach process on ore, using some barrels inside the mill building.

Surface Use Evaluation

Development of a dependent mill site to process ores for extraction of valuable minerals by a prudent operator will normally take place in conjunction with development of a mine. Prior to outlays for capital improvements to a mill site, the ore samples will undergo numerous physical and chemical tests. Physical disturbance of the proposed mill site is not required at this point. The tests will determine the types of equipment and chemicals which might be needed to extract the valuable minerals. Equipment is then brought in to set up in the proper circuits for processing ore. This will take extensive testing to make sure that proper sizing and treatment of the ores will occur. Other facilities such as ponds, leach pads and laboratories are put in place. Many times these facilities are fenced off to reduce hazards to the public. These improvements and facilities are likely to remain during temporary shutdowns under the care of a watchman or maintenance crew who reside on the site.

Development of an independent mill site to process ores for extraction of valuable minerals by a prudent operator requires either a quartz mill or reduction works. As defined by the Interior Board of Land Appeals in *United States v. Paden*, 33 IBLA 380 (1978), a quartz mill consists of a machine or establishment for pulverizing quartz ore so that gold and silver contained in the ore may be separated by chemical means. The same decision defined a reduction works as a works for reducing metals from ores by smelting or through chemical means such as a cyanide plant. The minerals processed by either means must come from a vein or lode. Development of an independent mill site would follow the same pattern as that for a dependent mill site. In order to be successful a prudent operator would contract for a continuous supply of ore from a number of sources with similar types of ore. This would ensure continuous operation of the mill site except for down time during maintenance and repair and would hopefully secure the economic feasibility of the operation.

It is possible to determine the phase a mill site claim is in through inspection. Operations that are actually taking place are key to the determination, not the equipment or personal property that may be present. The presence of primarily inappropriate or inoperable equipment or personal property indicates that the mill site claim is not being worked by a prudent operator in usual, customary and proficient operations. This can constitute unnecessary and undue degradation of the public lands.

There are no operations taking place on the Eagle 1 mill site. No production through use of an operable quartz mill or reduction works has taken place since Mr. Peña filed the claim. There are no Notices or Plans on file with the BLM, for operations to take place on the lode claims owned by Peña. The operator, David Pierce, has presented no evidence of any contracts to process specific quantities of ore for metallic minerals from outside sources. There can be no showing that there are ongoing and more or less continuous operations for custom work at this site.

Some of the equipment is set up on concrete foundations or otherwise attached to the ground. However, the items which might be reasonably incident to a potential operation would require significant work to be operable. During the field visit, no operational equipment was seen. The remaining equipment and personal property is either inoperable or inappropriate and not reasonably incident to prospecting, mining or processing operations. The primary use of the claim is for occupancy. The storage of inoperable or inappropriate equipment and personal property along with the occupancy constitutes unnecessary and undue degradation of the public lands. This site does not meet the occupancy requirements of 43 CFR 3715.2, 3715.2-1, or 3715.5. In addition the site is not being used or occupied for mining, milling, processing or beneficiation within the meaning of 30 USC 612 (a) and 43 CFR 3712.1.

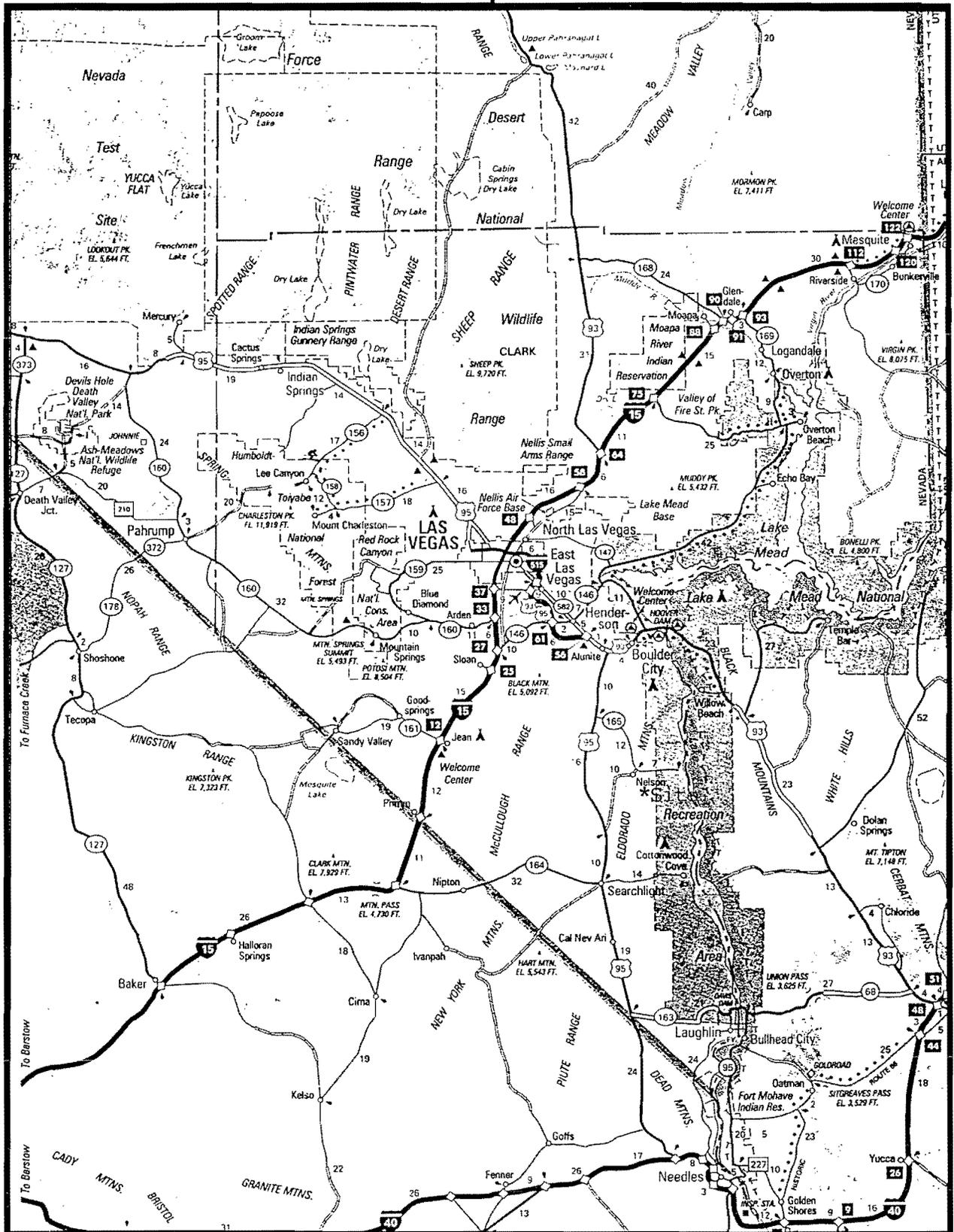
XIII. Bibliography

Johnson, Maureen G., Placer Gold Deposits of Nevada; Geological Survey Bulletin 1356; 1973, Washington D.C.; United States Government Printing Office.

Longwell, C. R., E. H. Pampeyan, Ben Bower and R. J. Roberts; Geology and Mineral Deposits of Clark County, Nevada; Bulletin 62; 1965, Reno; Nevada Bureau of Mines and Geology.

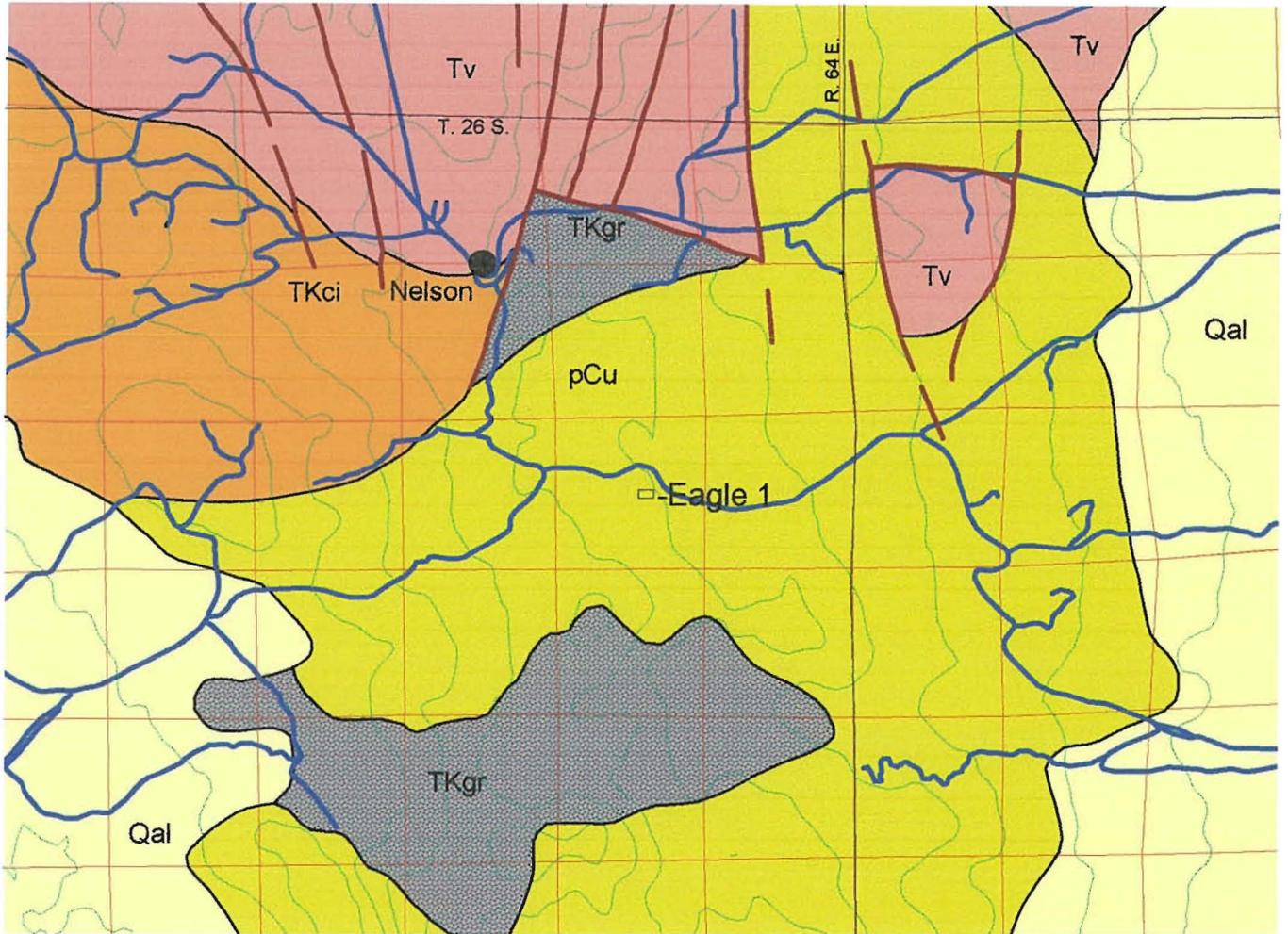
Vanderberg, William O.; Placer Mining in Nevada; Bulletin 27; 1936, Reno; Nevada Bureau of Mines and Geology.

Map 1



11/99 E. Seum 1/2" = 10 miles

Geologic Map of the Nelson Area



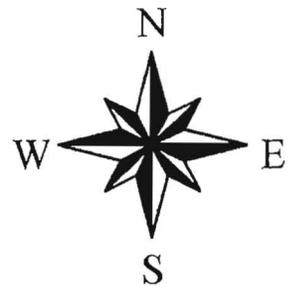
Legend

- Township
- Sections
- Roads
- 100m_contours
- faults

Geologic Formations

- Qal
- Tkci
- TKgr
- Tv
- pCu

Created 5/23/01 by E. Seum



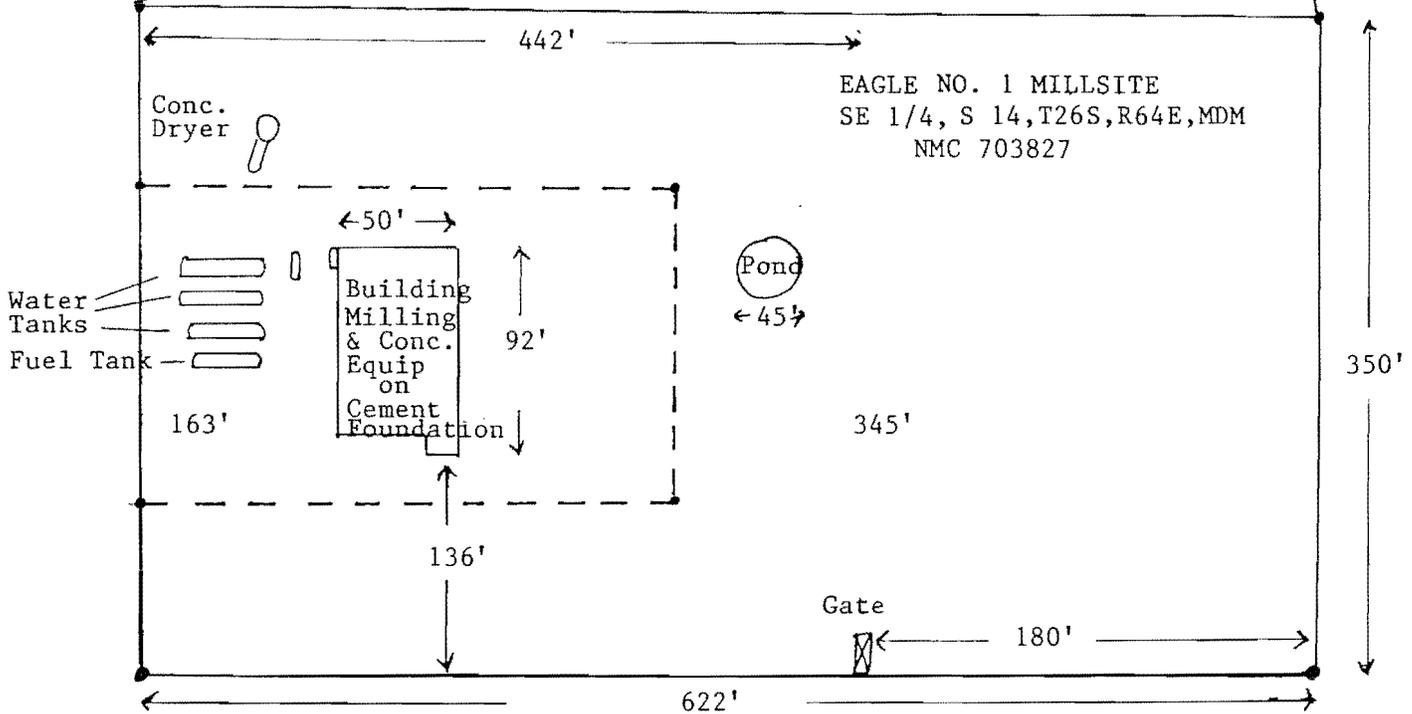
ATTACHMENT A

Section 14, T26S, R64E MDM
CLARK COUNTY, NEVADA

MORNING STAR patented lode claim MS 3856

680' N 55° W

455' N 5° W



EAGLE NO. 1 MILLSITE
SE 1/4, S 14, T26S, R64E, MDM
NMC 703827

Scale 1" = 100'

--- Amended location

E. Seum 5/15/01

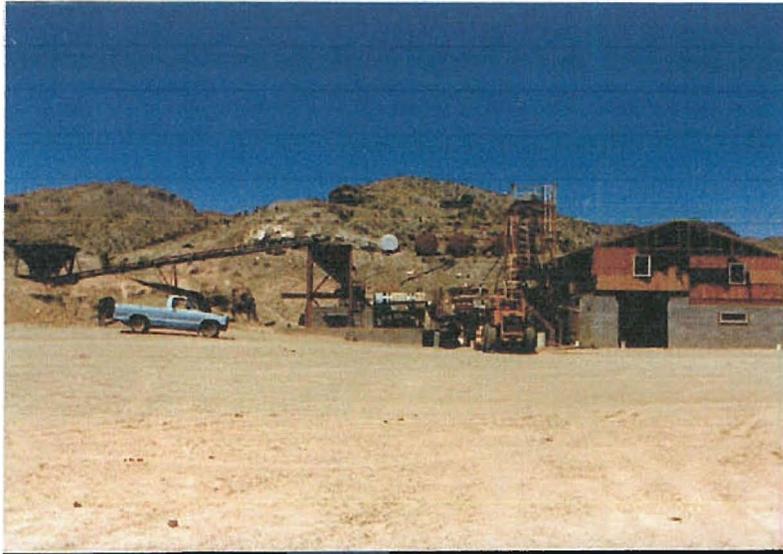


Photo #1 - Taken 6/21/90 by E. Seum. Shows equipment and building on site at that time.



Photo #2 - Taken 9/17/92 by G. Miller. Looking down at tanks, building and equipment.



Photo #3 - Taken 9/17/92 by G. Miller. Looking down at equipment next to the building.



Photo #4 - Taken 8/19/98 by J. Mur. Shows sign at entrance to Eagle 1 claim.



Photo #5 - Taken 8/19/98 by J. Mur. Shows gate blocking the entrance to the Eagle 1 claim.



Photo #6 - Taken 8/19/98 by J. Mur. Looking southeast at the building on the Eagle 1 claim. Note holes in roof and broken rear windows.



Photo #7 - Taken 8/19/98 by J. Mur. Shows equipment on south side of building on the Eagle 1 claim.

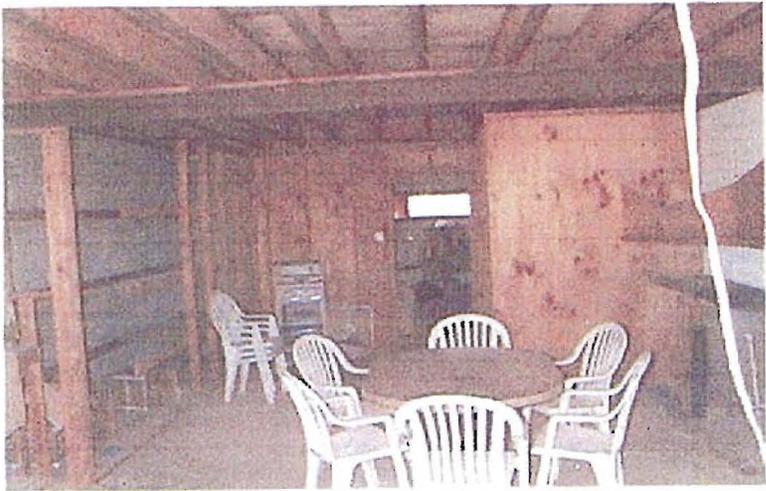


Photo #8 - Taken 8/19/98 by J. Mur. Shows interior of building on the Eagle 1 claim.

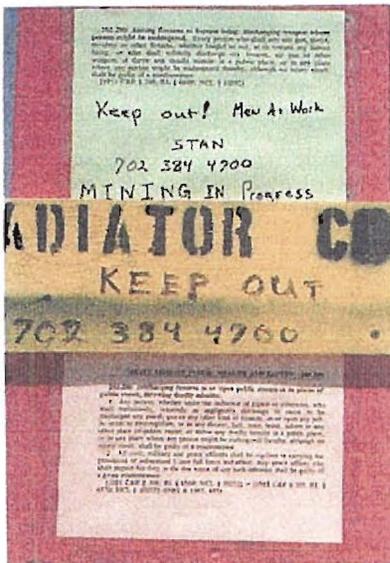


Photo #9 - Taken 8/26/99 by J. Mur. Shows sign near gate leading into the Eagle 1 claim.

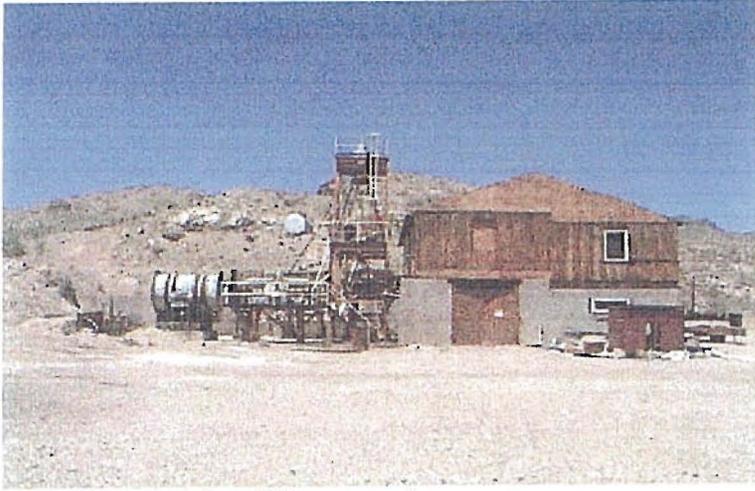


Photo #10 - Taken 8/26/99 by J. Mur. Looking west at building on the Eagle 1 claim. Compare with photo 1.

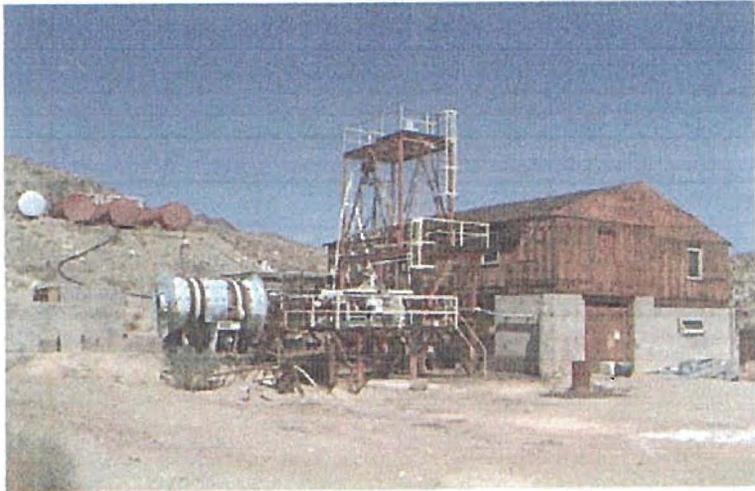


Photo #11 - Taken 7/26/00 by J. Mur. Looking northwest at equipment adjacent to building on Eagle 1 claim. Compare with photos 7 & 10.

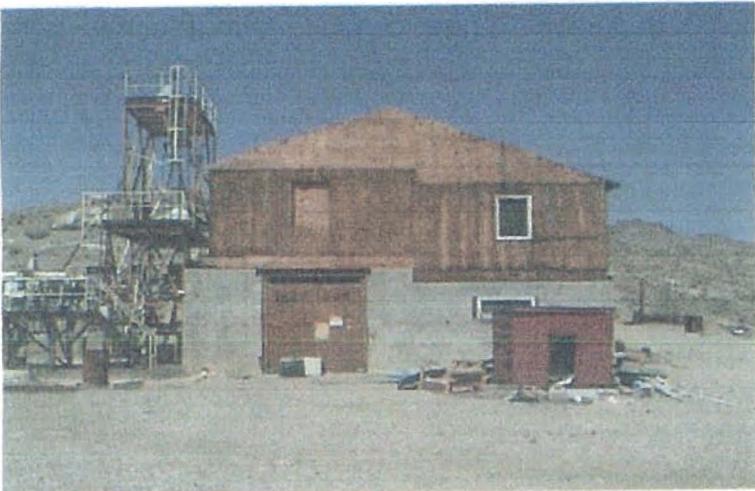


Photo #12 - Taken 7/26/00 by J. Mur. Looking west at building on Eagle 1 claim. Compare with photo 10.



Photo #13 - Taken 4/19/00 by E. Seum. Taken looking west at wooden building and equipment on the Eagle 1 claim. Compare with photo 10.

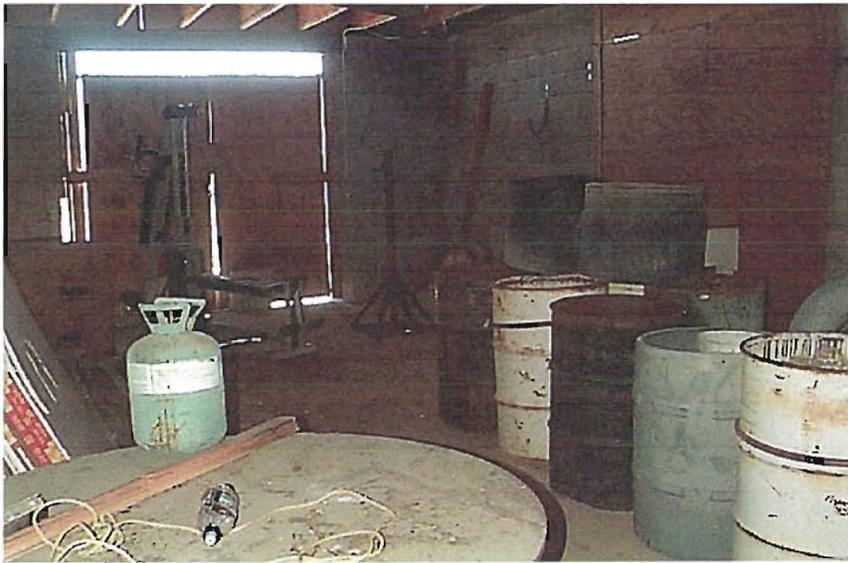


Photo #14 - Taken 4/19/00 by E. Seum. Shows items inside the wooden building on the Eagle 1 claim.



Photo #15 - Taken 4/19/00 by E. Seum. Taken inside the wooden building on the Eagle 1 claim.



Photo #16 - Taken 4/19/00 by E. Seum. Shows more items in the wooden building on the Eagle 1 claim.



Photo #17 - Taken 4/19/00 by E. Seum. Taken looking west at empty water and fuel tanks on the Eagle 1 claim.



Photo #18 - Taken 4/19/00 by E. Seum. Shows miscellaneous items on the north side of the Eagle 1 claim.



Photo #19 - Taken 4/19/00 by E. Seum. Shows miscellaneous items on the north side of the Eagle 1 claim.

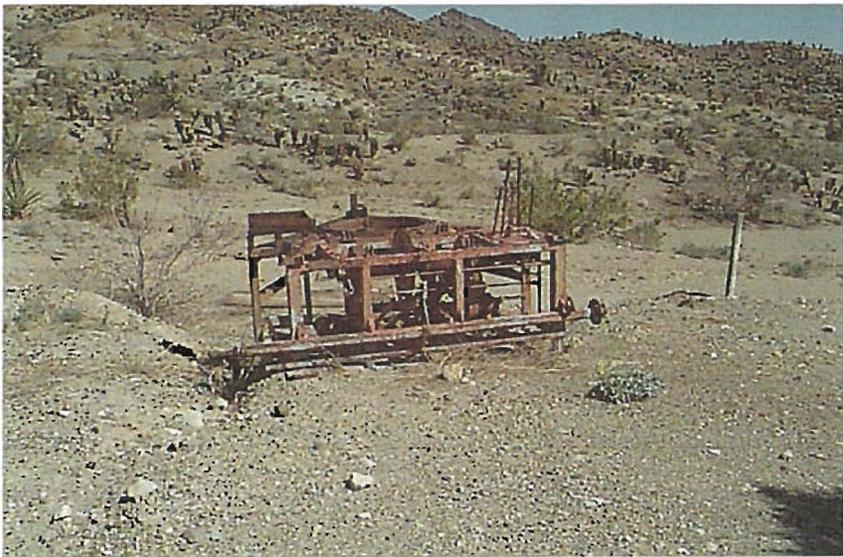


Photo #20 - Taken 4/19/00 by E. Seum. Scrap equipment located on the Eagle 1 claim.



Photo #21 - Taken 4/19/00 by E. Seum. Looking north at non-working circuit and wooden building on the Eagle 1 claim.

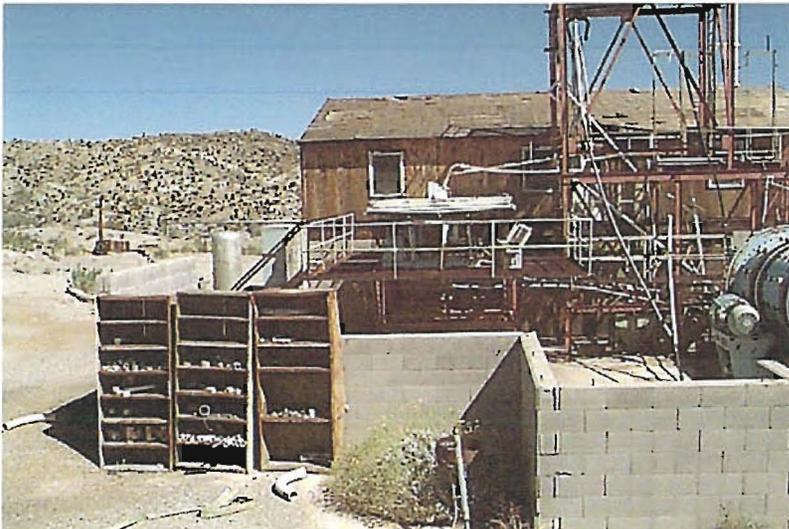


Photo #22 - Taken 4/19/00 by E. Seum. Another view slightly to the left of above picture.

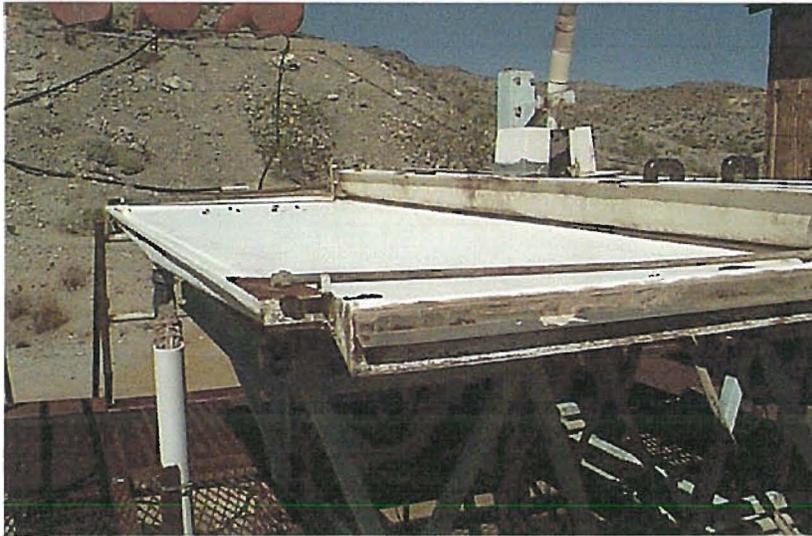


Photo #23 - Taken 4/19/00 by E. Seum. Closeup of separating table on the Eagle 1 claim.



Photo #24 - Taken 4/19/00 by E. Seum. Closeup of separating tables on the Eagle 1 claim.



Photo #25 - Taken 1/5/01 by E. Seum. Shows gate blocking access to the Eagle 1 claim. Compare with photo 5.



Photo #26 - Taken 1/5/01 by E. Seum. Looking west at the building and equipment on the Eagle 1 claim. Compare with photo 13.

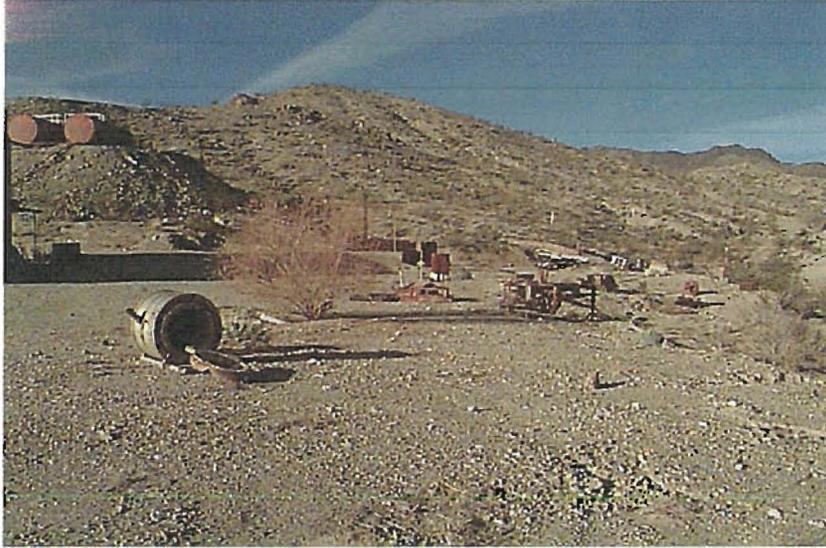


Photo #27 - Taken 1/5/01 by E. Seum. Shows items laying on the ground, north of the wooden building, located on the Eagle 1 claim. See also photos 18 & 19.



Photo #28 - Taken 1/5/01 by E. Seum. Shows empty water and fuel tanks on the west side of the Eagle 1 claim. See photos 2 & 17.

Photo #29 - Taken 1/5/01 by E. Seum. Shows west side of wooden building on the Eagle 1 claim. Upper windows are damaged.



Photo #30 - Taken 1/5/01 by E. Seum. Shows one of the separating tables located on the south side of the wooden building, on the Eagle 1 claim.



Photo #31 - Taken 1/5/01 by E. Seum. Shows another table next to the one shown above.

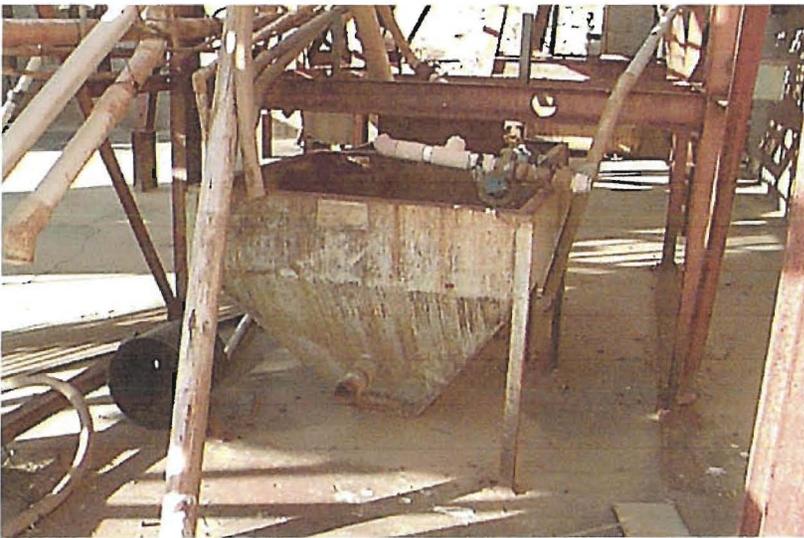


Photo # 32- Taken 1/5/01 by E. Seum. Shows hopper sitting at the base of the non-working circuit on the Eagle 1 claim.



Photo #33 - Taken 1/5/01 by E. Seum. Looking north at ball mill and building on the Eagle 1 claim. Note the hole in the roof to right of Mark Chatterton. See also photo 21.

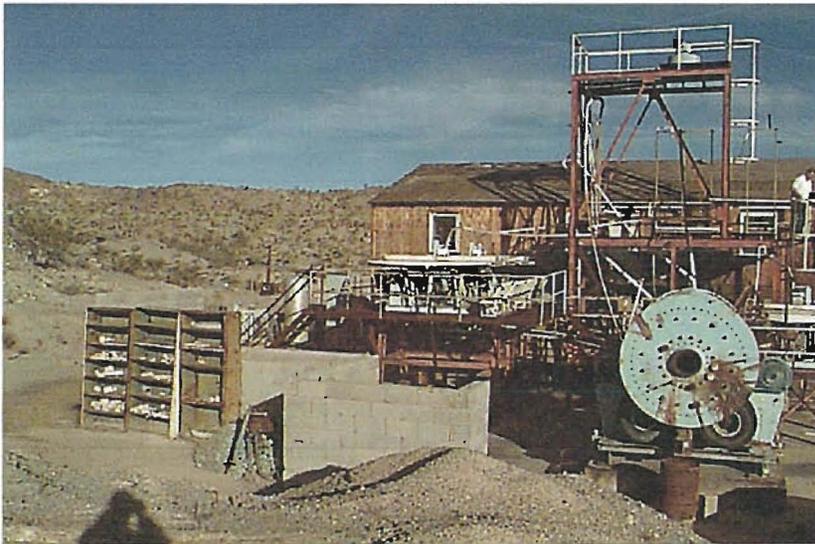


Photo #34 - Taken 1/5/01 by E. Seum. Another shot of the ball mill and non-working circuit on the Eagle 1 claim. See also photo 22.

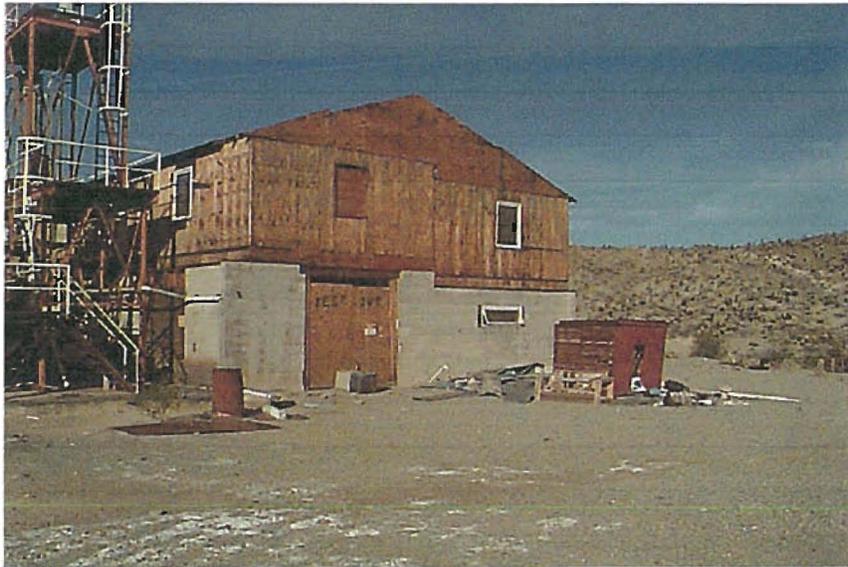


Photo #35 - Taken 1/5/01 by E. Seum. Shows east facing side of the wooden building on the Eagle 1 claim.