

Course 3800-16 Final Examination Scenario **[ADD reference material in BOLD on NTC version]**

To receive credit for this course, you will need to receive at least an 80% score on this final examination. Please read the scenario below and answer the questions that follow to the best of your ability. The final examination resources folder contains an array of materials that will be referenced within the scenario described below.

The following matter involves an evaluation of the use and occupancy of four contiguous mill sites that were located in southern Nevada. The Assistant Field Manager (AFM) for Minerals and Lands, also known as the Authorized Official or AO has asked the solid minerals staff to inspect the location of a suspected abandoned mineral processing operation based on information received from the public. The AFM requests a report with findings and recommendations about the situation. You have been asked to assist. The area to be inspected is within Township 25 South, Range 57 East, Section 26, east-half, Mount Diablo Meridian, Clark Co, NV (see file/Doc1_MTP_T25S_R57E_Clark_co_NV.pdf). **Hint:** review this MTP with an individual of your Lands-Realty staff for their insight into how to determine whether or not Section 26 is withdrawn from mineral entry.

The office's surface management-locatable minerals lead, the Field Office solid minerals geologist is heading-up this matter. In advance of an inspection, the following information about the area is uncovered.

A geographic search of the Case Recordation and Mining Claims parts of LR2000 (URL <http://lr2000.blm.gov/>) is conducted to determine if there are any pending, authorized or closed 3809 notices or plans of operation, authorized or closed 3715 use and occupancy cases, or if there are any pending, active or closed mining claim locations. The search turns up four closed mill site locations. The serial register pages for them appear in (see file/Doc2_mill_sites_location_srps.pdf). The location files with the BLM State Office have been archived, so the location records for these former mill sites were found in the county recorder office and reveal all are located within Township 25 South, Range 57 East, Section 26, Mount Diablo Meridian. No type of site map accompanied these location filings. The legal land description of each mill site is as follows

Advance #2 – N½NW¼NE¼SE¼

Advance #3 - S½SW¼SE¼NE¼

Advance #4 - S½SE¼SE¼NE¼

Advance #5 - N½NE¼NE¼SE¼

Hint: you should be able to determine the acreage of each mill site and the external dimensions of each mill site from these descriptions. A topographic map section subdividing template (see file/Doc3_template_subdividing.pdf) is an excellent tool for determining acreage. You can seek the assistance of a coworker if needed.

The mining claims geographic search using LR2000 also shows the mill site locator of record has no record of having located placer or lode claims in the vicinity, and no other parties have located placer or

lode mining claims in the vicinity. There is no information at the county recorder of the former mill site locator having title to lands obtained through mineral patent.

The general location of these mill sites is plotted on several different figures. **Doc4_Figure_1.jpg** relates the location to the city where the Field Office is located. **Doc5_Figure_2.jpg** is larger scale figure showing the township and section grid pattern in southern Clark County. **Doc6_Figure_3.jpg** is a closer view showing the topography of about a 12 square mile area including Section 26.

Two 3809 Notices had apparently been established in the early 1990's for operations proposed in Section 26 and they may have overlapped the lands to be inspected. Both files were closed in the mid-1990's and were subsequently archived in 2005. These files were not formally serialized so they were not entered into LR2000. This information was based on conversations with a former District Office geologist. The Authorized Official considers the last mill site locator of record to have responsibility for the current state of whatever is found on location needing to be removed and reclaimed.

A letter was sent to the former mill sites locator of record inviting them to the inspection; however, there was no response. This party does not have a listed telephone number so there was no verbal contact.

Figure 4 is an aerial photograph which shows that some structures and excavations may be present.



Figure 4 – Screen capture of aerial of view of the subject land from GoogleEarth.com (6-10-2006 aerial coverage, one inch equals about 340 feet). The approximate locations of the outer corners of the contiguous mill site block are shown.

The geologist makes note of the geology and mineral resources from the Nevada Bureau of Mines and Geology bulletin 62 (see files/Doc7_Bulletin_62.pdf, Doc8_Bulletin_62_Plate_1.pdf and Doc9_Bulletin_62_Plate_2.pdf). Sand and gravel that was probably eroded from the mountains to the east is mapped as occurring on the surface (see the definition of mapped unit Qal on Plat 1 of Bulletin 62). The so-called Goodsprings historic mining district occurs to the northeast of the mill sites. The closest mining within this historic mining district was in the Spring Mountains to the east as shown on Plate 2 of Bulletin 62. There has been no active mining of locatable minerals on or near Section 26 for many years, but some exploration has occurred on occasion. Map 170 (see file/Doc10_Map_170.pdf) shows that the only active mining operations within southern Clark County, NV are for sand and gravel or aggregate.

Doc4_Figure_3.jpg and Figure 4 above show a road crosses through the western side of the mill site locations, so the area should be accessible by vehicle.

The site inspection:

The day of the inspection conditions were clear and warm. You departed from the Las Vegas Field Office and the drove southbound on I-15 to the State Route 161-Jean, NV exit, then northwesterly toward Goodsprings, then westerly toward the town of Sandy Mill and Sandy Valley, NV and then southerly toward the NV-CA border. When you arrive you find east of the main access road fenced area about 400 square feet square enclosing an inactive processing facility (see Figure 5). No one is on location. The gate is unlocked and the facilities, equipment and materials within the fenced area are inspected. West of the road were two large rectangular shaped pits. What follows are captioned pictures of the area.

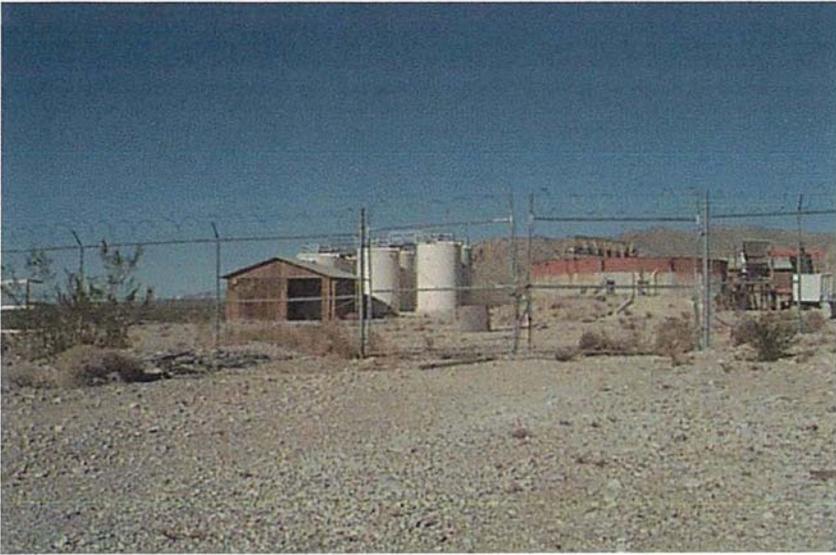


Figure 5 – view to east-northeast of inactive facilities behind chain link fence.

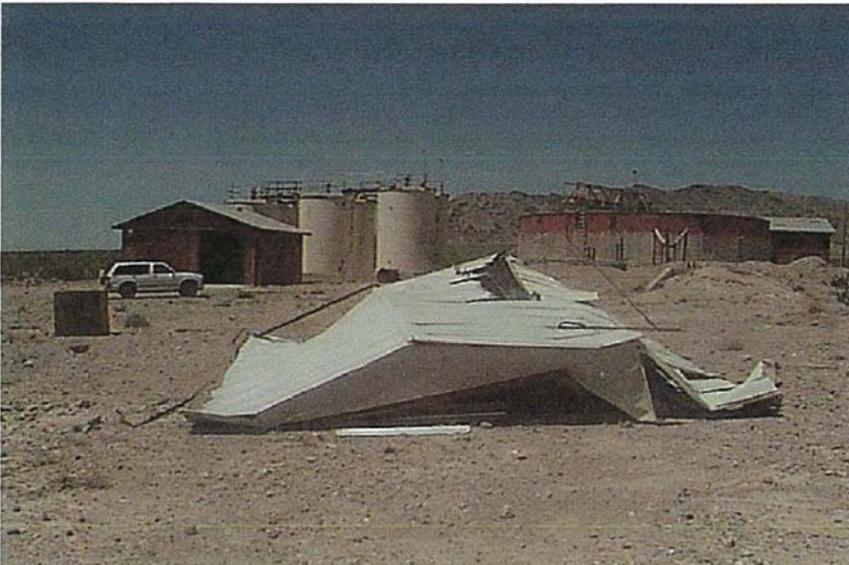


Figure 6 view to northeast from within the fenced area (note vehicle for a sense of scale). A collapsed metal shed is in the foreground.



Figure 7 – view to northeast inside the small wooden building in the left of Figure 6. The door to the building is missing as is part of the exterior wall (center of this image) apparently due to vandalism. The interior is in disarray. Empty and partially filled containers and other materials are strewn about. This building sits atop a concrete foundation.



Figure 8. View of an electrical panel on the south wall of the building in Figure 6 that appears to have been vandalized.



Figure 9. Six metal tanks that are located behind (north) of the wooden building pictured in Figure 6. The exterior of these have been shot numerous times. Metal steps and walkways provide access to the tops of these tanks.

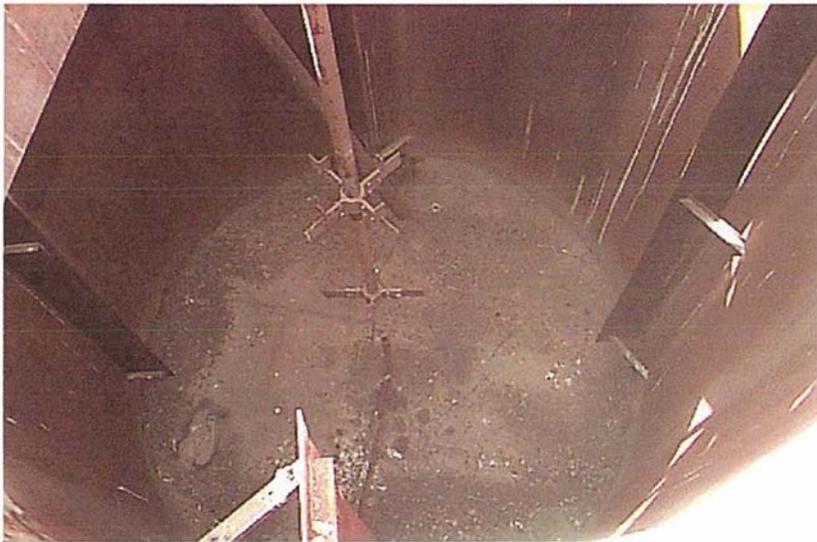


Figure 10 – View from the top into one of the tanks shown in figure 9. These appear to be mixing tanks and which could contain up to 50,000 gallons of fluid. The rod that hangs vertically in the middle of each tank has paddles attached to aid in mixing. The rod connects to an electric motor that sits atop each tank. There appears to be flakes of paint and rust in the bottom of the tanks.



Figure 11 – View to southeast of a larger tank to the east of the white colored mixing tanks.

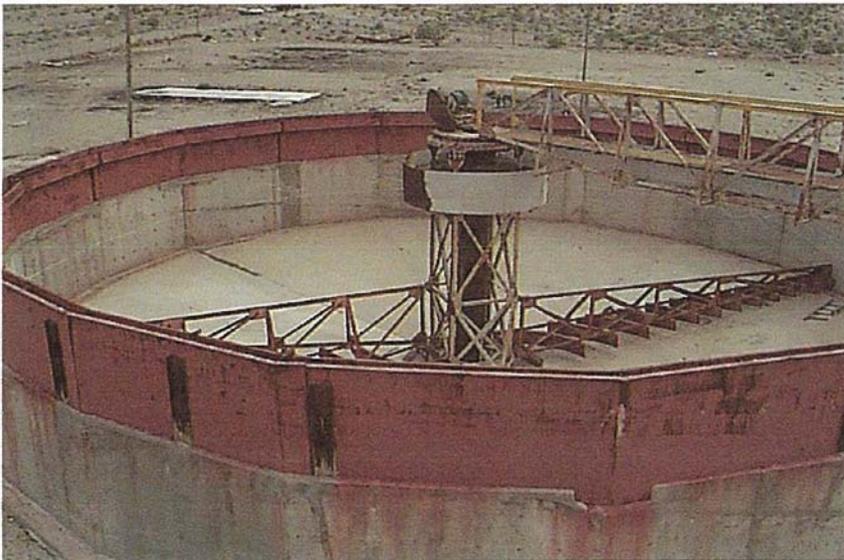


Figure 12 – View to the northeast into the top of the larger tank shown in figure 11. A placard atop the center spindle indicates this is a 50' diameter thickening tank. There is no residue on the tank bottom and there are no pipes or fitting which connect it to the buildings or other tanks. A concrete pad is in the background.

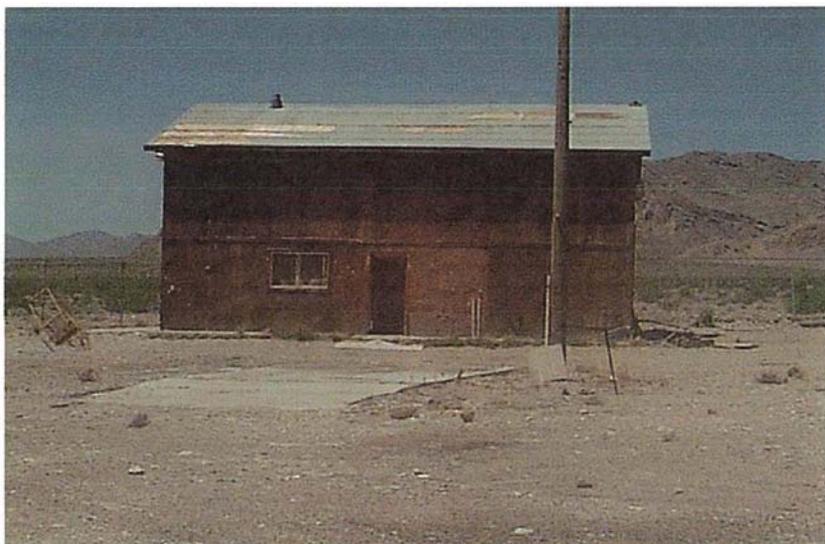


Figure 13. View to north of another wooden building in the northeastern part of the fenced area. The east end of this building appears on the right side of Figure 6. The entry door has been removed.

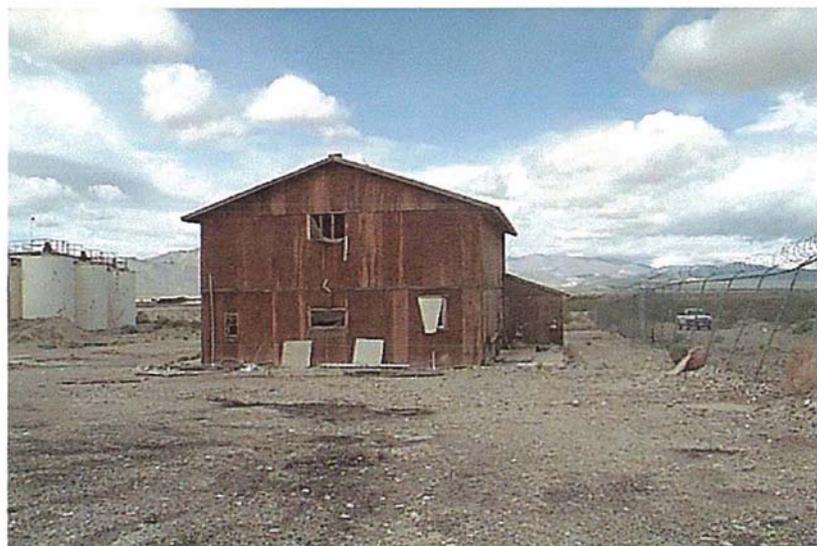


Figure 14 – View to west showing the east side of the building in Figure 13. Windows have been broken-out. The north line of the fence that encloses the buildings and tank is at right.

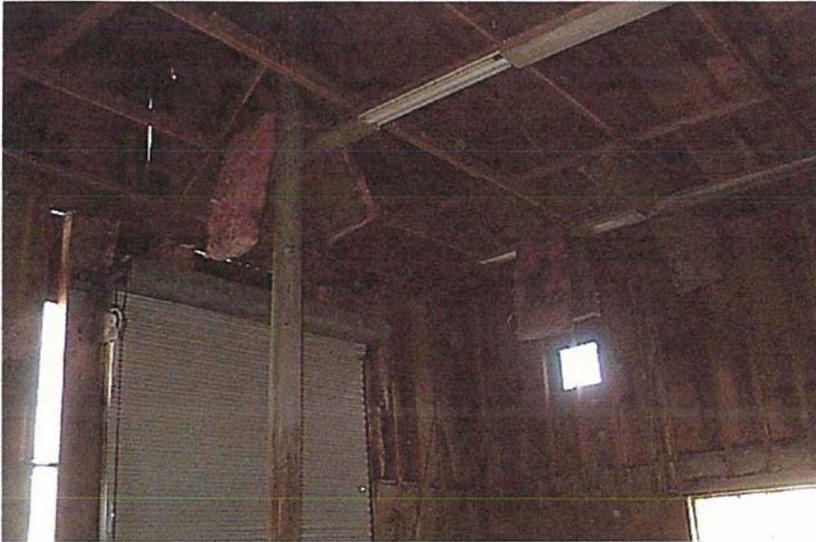


Figure 15. View to northwest of west wall and portion of north wall interior of the building in figures 13 and 14. There is no ceiling and insulation hangs from the rafters. The tube at left is an exhaust for a heating unit showing in Figure 16.



Figure 16. View of the concrete floor to the building (pan downward from the view in Figure 15). This building is also in disrepair. What appears to be a heating unit is at left.



Figure 17. View to northeast of the northern of the two pits shown in Figure 4. This may have been a water holding pond or some type of settling-tailings retention pond. This pit area was excavated into natural alluvial sand and gravel.

There were no commercial utilities; e.g., electricity, water, etc. on or near the former mill sites locations. There were a few power poles within the fenced area (one is shown in Figure 13) and a vandalized electrical panel in one of the buildings (see Figure 8) but there are no electric lines. None of the equipment appears to be operable. There is nothing to indicate any locatable minerals were processed on location; a processing circuit that may have been used is not evident. The condition of the buildings and tanks indicate they have been abandoned for some years. The residents in the area indicate they never saw processing taking place at the location which has been abandoned since about 1995 and that the buildings and equipment appear to have been vandalized since their abandonment.

No monuments [posts or stone piles] or location notices indicating mining claims or mill sites had been recently located on or near the inactive facilities were found nor were there any location documents found on-site regarding the Advance #2-5 mill sites. ***Hint:*** see location requirements under state law, clicking on [NV_Rev_Statutes_Chapter_517.mht](#) connects you this statute. There were no postings regarding ownership of the buildings, and tanks..

Post inspection:

Based on mapping of the facilities during the field inspection, the buildings and tanks and fence are on the former Advance #4 and Advance #5 mill sites. The excavated depressions are within the former Advance #2 and #3 mill sites.

A search for rights-of-way using LR2000 shows there have not been any rights-of-way issued for commercial utilities, such as electricity, water, etc., on BLM administered lands within Section 26. This

search also revealed there are no other land use authorizations which would account for the presence of the buildings and equipment; e.g., a lands-realty issued right-of-way or temporary use permit.

A quartz mill and-or reduction works would have been an integral part of an independent mill site. The geologist finds the definition of such in a 1978 IBLA decision (**see file/Doc11_ US v Paden_ 33 IBLA 380**) [**Hint**: see footnote 3 on the fourth page of this decision; also, the Dictionary of Mining, Minerals and Related Terms is also included in the final examination references and you can look up the definition of reduction works and quartz mill in it]. The mixing tanks and thickening tank might have been used as part of reduction works, but there is nothing to indicate a complete circuit for the processing of metals from their ores was present on the mill site locations, nor was there evidence a machine for the pulverizing of quartz ore had been on-location at one time.

A search of the Office of Hearings and Appeals website (**<http://www.oha.doi.gov:8080/isysmenu.html>**) was made for administrative decisions involving use and occupancy of mill site locations. Several ones which appear to have some salient relationship to this case are downloaded

Hints: You may want to review and consider the following resources prior to taking the final examination. The Marietta Corp Comstock Ore Buyers, 164 IBLA 360, 2005 decision (**see file/Doc12_Marietta Corp Comstock Ore Buyers**; note the statement about unnecessary and undue degradation on page 361 and five factors of use and occupancy on page 262); the Pilot Plant, Inc., 168 IBLA 201, 2006 decision (**see file/Doc13_Pilot Plant, Inc., 168 IBLA 201, 2006 decision**) that addresses the Becki M Mill Site. A copy of the examination report for the Becki M mill site is posted as a resource. Also review the definitions at 43 CFR § 3715.0-5.