



United States Department of the Interior

GRO28ME

Center Mine



BUREAU OF LAND MANAGEMENT

Las Cruces District Office
1800 Marquess Street
Las Cruces, New Mexico 88005
www.blm.gov/nm/lascruces



In Reply Refer To:

NMNM 126432
3809 (L0310)

DEC 12 2016

CERTIFIED--RETURN RECEIPT REQUESTED
7006 0810 0000 5439 2214

DECISION

Bill Hanson
2912 S. Montierth Lane
Safford, AZ 85546

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43 CFR 3809

DETERMINATION OF REQUIRED FINANCIAL GUARANTEE AMOUNT REDUCTION AND CLOSURE OF PLAN OF OPERATIONS

The Bureau of Land Management (BLM) Las Cruces District Office completed a close-out surface compliance inspection on November 1, 2016, for Plan of Operations NMNM 126432 "Center Mine." This site is located in Grant County at:

New Mexico Principal Meridian, New Mexico
T. 17 S., R. 21 W.,
sec. 12, lot 1 and NE1/4NE1/4.

During this inspection, BLM staff documented all slopes have been re-contoured back to grade and associated dredged areas have been back-filled and reclaimed to pre-disturbed conditions. All ore piles have been removed and vegetation has established for those surfaces remaining. Erosion control measures have also been put into place to prevent undue and unnecessary degradation to public land. This has been accomplished by placement of wattles and berms to prevent down-slope sediment flow. Reclamation for this plan of operations has been determined to be complete. Therefore, in accordance with 43 CFR 3809.590, Case NMNM 126432 will be closed. This decision reduces the estimated joint Mining & Mineral Division (MMD)/BLM reclamation cost from \$88,563 to \$0. A copy of this decision has been provided to the adjudication staff in the BLM New Mexico State Office. You may file a request with that office at P.O. Box 27115, Santa Fe, New Mexico 87502 for final release of your financial guarantee for this project. However, release of this financial guarantee in accordance with 43 CFR 3809.592 (a) "does not release you, the mining claimant or operator from responsibility for reclamation of your operations should reclamation fail to meet the standards of this subpart.

Please be advised, any activities at the site of this operation conducted after expiration of your plan, with exception of reclamation are no longer authorized. You must submit a new plan under 43 CFR 3809.401 for our review and post an appropriate reclamation bond as required by 43 CFR 3809.552, if you are interested in pursuing any operations in the future.

If you do not agree and are adversely affected by this decision, in accordance with 43 CFR 3809.804, you may have the BLM New Mexico State Director review this decision. If you request a State Director review, the request must be received in the BLM New Mexico State Office, 301 Dinosaur Trail, Santa Fe, New Mexico 87508, 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. If the New Mexico State Director does not make a decision on whether to accept 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 then have 30 days in which to file your notice of appeal with the IBLA (see procedures below).

If you wish to bypass the 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 (Las Cruces District Office, 1800 Marquess Street, Las Cruces, NM 88005) within 30 days from receipt of this decision. You may state your reasons for appealing now or within 30 days after filing the Notice of Appeal, you must file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior; Office of the Secretary, Board of Land Appeals, 801 North Quincy St., Suite 300, Arlington, VA 22203. If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) (request) for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, 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 the notice of appeal and petition for a stay must also be submitted to each party named in this 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 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 appellant's success on the merits,
- 3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- 4) Whether the public interest favors granting the stay.

If you have questions, please contact Joseph Navarro, Environmental Protection Specialist, at (575) 525-4363.



Bill Childress
District Manager

1 Enclosure

cc:

NM (921200; I. Viarreal)

✓ New Mexico Energy, Minerals
and Natural Resources Department