



United States
Department of
Agriculture

Forest
Service

Region One

200 East Broadway
P.O. Box 7669
Missoula, MT 59807

File Code: 1570-1 (251-2)
#02-01-00-0019

Date: February 21, 2003

George S. Young
Attorney
Pruitt, Gushee & Bachtell
Suite 1850
Beneficial Life Tower
Salt Lake City, UT 84111-1495

Dear Mr. Young:

In accordance with 36 CFR 251.92(a)(4), I am dismissing the appeal you filed on behalf of Mr. Lynn Sorenson, Rand America LLC, Rand Montana LLC, and Washington Gulch LP, Inc., et al. on September 14, 2001, regarding the Notice of Noncompliance sent to your clients on July 20, 2001, by Lincoln District Ranger, Daina Bambe. I am dismissing this appeal and closing the appeal record without a decision on the merits because the requested relief cannot be granted under existing law, fact, or regulation.

Your client was in noncompliance with 36 CFR 228, Subpart A, Locatable Minerals Regulations, in not having authorization from a Forest Officer for a wash plant, water diversion pipeline, LIMA excavator and other mining equipment on National Forest System lands.

The Stipulation and Agreement, Montana Third Judicial District Court, Powell County, dated July 18, 2002, regarding disposition of personal property located on Washington Gulch Mine Site has been executed, resulting in the removal of personal property not authorized to be on National Forest System lands. The State of Montana, Department of Environmental Quality, has completed reclamation of the mining site. Thus, the appeal of District Ranger Bambe's Notice of Noncompliance is moot.

Pursuant to 36 CFR 251.87(e)(3), this is the final administrative determination of the U.S. Department of Agriculture.

Sincerely,

/s/ Gary A. Morrison
GARY A. MORRISON
Appeal Reviewing Officer
Director, Recreation, Minerals, Lands,
Heritage, and Wilderness

cc:
Helena NF

