



American Reward Mill, Inc.



Working in Association with

**Mt. Whitney - Aurora Gold Exploration Company
&
Lone Pine Equipment Company**
[Millite Cleanups, Acquisitions & Storage]

• Lone Pine Office: PO Box 1138, 864 & 915, Lone Pine, CA 93545 •
• Office: 760-876-4064 • Fax: 760-876 1844 • e-mail: goldjanet@qnet.com •

11 January 2003

Ms. Gail Louis, U.S. Environmental Protection Agency
75 Hawthorne Street, WTR-3
San Francisco, CA 94105

Phone: 415-972-3467

**Re: Comments on the Draft EIR / EIS, as per Your Personal Request at the Statham Hall
LORP Public Comment Meeting in Lone Pine, CA**

Dear Ms. Louis,

1. **Inyo County Water War Investigation** – We have had a 3-year investigation, on-going into the subject of “water” within Inyo County, and the Owens Valley in particular, and
2. **Facilitator for LA DWP** – Herein, we make specific reference to the most recent, but little publicized “Independent / Conway Ranch Land Exchange,” of 1,400 acres at a \$257 / acre cost for an approximate total of \$350,000 by the participants, under the direction of Mr. Dwight McNaughton, and presumably his associates, who are reported to be: a) a doctor, and b) an attorney. However, a) & b) are not verified due to our being engaged in other pressing matters of national security, and
3. **Civil Complaint (5 June 2000)** – Within the framework of this Civil Complaint [partial pages enclosed], resides the basis for Mr. McNaughton, et al, functioning as a “facilitator” for the City of Los Angeles, Dept. of Water & Power, and

242-1 Wherein the information enclosed becomes a reality in fact, then – in our opinion – the basis is established for both criminal indictments and civil lawsuit(s) against McNaughton, et al., and Inyo County government will be forthcoming, and

- A. **McIver Canal:** Please be advised that of the 1,400 acres, there are seven (7) points that touch the McIver Canal, which allows for direct or indirect pumping of water from these properties into the Canal, and subsequently into the Lower Owens River and then onto the Owens Lake, and / or into the DWP's Aqueduct, and
- B. **New Water Wells:** Herein, we envision a minimum of 40 wells to a maximum of 100 wells being installed upon the above-referenced 1,400 acres, with ground water pumping from the Owens Valley floor, and / or

Clarence - I wasn't sure if you received a copy of this as well.

Personal Communication

OPTIONAL FORM NO. 10 (7-90) FAX TRANSMITTAL # of pages 33

To: Clarence Martin	From: Gail Louis, EPA
Dept./Agency: DWP	PHONE: 415.972.3467
Fax #: 760-873-0266	Fax #: 415-977-3537

page 1 of 2

ARM, MW-AG & LPE

"Wells installed at a higher elevation(s), which can be construed and argued – quite possibly successfully, under any number of apparently 'legitimate arguments' – as NOT being part and principle to the Owens Valley floor, but part of the foothill(s) of the Inyo Mountain Range, as well as NOT being part of, nor included in, the MOU and existing lawsuit pursuant to LORP, and

Therefore not subject to the agreements between the LA DWP and any other entity, be it County, State or Federal government, as this land is touching and adjacent to BLM and/or USFS land," and

4. **Potential & Future Litigation:** *In the event of litigation via challenge from numerous sources, the groundwork is already in existence for the LA DWP to extend the litigation for an additional ten (10) years – under a veritable plethora of apparent and legal pretexts, and*

5. **Public Statement at the LORP, Lone Pine Meeting:** I was the last speaker at Statham hall, which incidently and of great importance, was video taped (Ms. Blackburn called K-Day, thinking they had done the taping, *Katheryn Hurdle said she thought it was actually the DWP that taped it*), and

The statements made in public forum are "For the Record," and I stand by them, and

6. **Future Water Exports:** Herein, and of special and vital concern to the existing litigation, is the *very real potential of 60,000 to 90,000 additional acre feet of water being pumped from the 1,400 acres into the McIver Canal*, and

7. **Legal Action:** This action or any part of it, even with the installation of one (1) well, at any future date in time, constitutes a "declaration of intent," as well as a "Breach of Contract" between McNaughton, et al, and County government, and

8. **Value of Water:** Please be advised that in the 1980's, the approximate cost of transporting water form the Owens Valley was \$12.50 / acre foot and said same was sold at approximately \$1,200 / acre foot, and

Herein lies the crux of the problem – aka "liquid gold," and it's value to the LA DWP and any and all participants.

I remain respectfully yours,



Gene D. Mathern, President / CEO
Janet R. Blackburn, Secretary / Treasurer
American Reward Mill, Inc. [ARM]

GDM:jrb

Enclosures: 1) Partial pages of Civil Complaint (34 pages) & two (2) maps, 2) Mathern Résumé, and 3) LORP EIR / EIS Omitted Information

cc: 1) NEPA, Mr. John Gray, 2) OVC, Mr. Mike Prather, and 5) Corporate & Company Files

Personal Communication

CIVIL COMPLAINT

To the Inyo County Board of Supervisors & REQUEST FOR IMMEDIATE ACTION

**Based upon:
The United States Department of the Interior, Bureau of Land Management,
Bishop, California Field Office
"Environmental Assessment and Decision of Record
for the Independence / Conway Ranch Land Exchange / Sale"
CACA 89188 CA017.10
[dated October 12, 1999]**

5 June 2000

**Compiled by:
Gene D. Mathern
&
Janet R. Blackburn**

LIST OF NAMES OF PEOPLE RECEIVING PACKAGE

1. Mr. Karl G. Kappel, Attorney at Law *DISCUSSED* **Rcv'd: - 5 June 2000**
2. 5th District, Chairman - Board of Sups, Mr. Michael Dorame **Rcv'd: - 6 June 2000**
3. IC Legal Counsel, Mr. Paul Bruce (Attorney at Law) **Rcv'd: - 6 June 2000**
4. Mr. Paul E. Payne, Retired Supervisor for IC
Inyo County (IC) Board of Supervisors (4) **Rcv'd: - 10 June 2000**
5. 1st District, Ms. Linda Arcularius **Rcv'd: - 12 June 2000**
6. 2nd District, Ms. Julie K. Bear **Rcv'd: - 12 June 2000**
7. 3rd District, Mr. Ervin R. Lent **Rcv'd: - 12 June 2000**
8. 4th District, Mr. Carroll "Butch" Hambleton, Jr. **Rcv'd: - 12 June 2000**
9. Public Advocate for "Honesty in Government," et al, Mr. Jack Pound, included: Mr. John Heston (President Black Eagle Mine), Ms. Bennett Kessler (K-Day / Black Eagle stockholder), and Ms. Kenney Scruggs (Attorney at Law). **Rcv'd: - 19 June 2000?**
10. Missouri Mines, Inc., Mr. Irving M. Garfunkel (President / CEO) **Rcv'd: - 19 June 2000**
11. Firestone Mining Industries, Dr. Robert E. Richardson (Exec V/P) **Sent: - 21 June 2000**
12. Law Firm of Baker & McKenzie, Keeley, Esq. **Sent: - 21 June 2000**
13. IC Planning Department, Mr. Chuck Thisthethwaite **Rcv'd: - 26 June 2000**
14. IC Water Department, Mr. Greg L. James (Attorney) **Rcv'd: - 26 June 2000**
15. Independence Chamber of Commerce, Ms. Arlene Grieder **Rcv'd: - 26 June 2000**
16. Mr. Rene Mendez, Inyo County Administrator, CAO **Rcv'd: - 26 June 2000**
17. Mr. Bob Kennedy, Director of Environmental Health Services **Rcv'd: - 26 June 2000**
18. The Attorney Firm of Ronald V. Flate, Esq., Los Angeles, CA
19. The Attorney Firm of Gerald McNalley, Esq., Glendale, CA
20. The Attorney Firm of Callabro, Callabro & Callabro, Fred Callabro, Esq.
21. 40th Congressional District, House of Reps, Mr. Jerry Lewis
22. US District Federal Judge, The Honorable Monte M. Reece
23. Mr. "Republican" of IC, Mr. Keith Bright
24. People for the USA, Ms. Pat Davidson (Director)
25. The Trust for Public Lands
26. US Senator, Ms. Barbara Boxer
27. US Attorney General, Ms. Janet Reno
28. IC "Water Watchdog" Committee Chairman
29. National Mining Association, President
30. US Senator, Ms. Diane Feinstein
31. Attorney General for California
32. Office Files

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- II. Table of Contents**
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- IV. Civil Complaint Addendum – Part I**
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- VI. Ethics and Justice in Government**
- VII. Copy of letter to Mr. Greg L. James, Director of Inyo County Water Department**
- VIII. Copy of letter to Mr. Chuck Thistlethwaite, Director of Inyo County Planning Department**
- IX. Copy of letter to Mr. Earl H. Gann, Mining Engineer, Inyo County Planning Department**

EXHIBITS:

- A. BLM EA and Record of Decision Report, dated October 12, 1999**
- B. Time Line and Historical Record for the Independence / Conway Ranch Land Exchange**
- C. Color copy of: Photographs of Firestone Mill**
- D. Copy of: 1) Submitted Plan of Operations, 2) Site Plan for Upgrade of Mill, and 3) Economic Development Schematic**
- E. Inyo County Environmental Health Services Information**
- F. Quote: From a book called "California – Water"**
- G. Maps: USGS Topo maps of area (8 total and color coded for mines, wells, metering wells, Firestone Mill, Reward Mine and a "cross hatch" of 100 acres above access road to Mill).**
- H. Copy of Faxes:**
 - 1) From LPE to BLM, dated 21 April 2000
 - 2) From BLM to LPE (Settlement Agreement), dated 30 May 2000
 - 3) From LPE to BLM, dated 31 May 2000
 - 4) From LPE to BLM, dated 1 June 2000
 - 5) From BLM to LPE (Meeting), dated 2 June 2000
- I. Four (4) newspaper articles:**
 - 1) "Ditch System on Water Board Agenda," dated April 15, 2000
 - 2) "Exchange Could Add Private Land," dated April 15 & 16, 2000
 - 3) "Supervisors – We Have a Problem," dated May 23, 2000
 - 4) "Show is About to Start on Dust Control Efforts," dated May 23, 2000

CIVIL COMPLAINT

[Environmental Assessment and Decision Record for the Independence / Conway Ranch Land Exchange / Sale CACA39188 CA017.10 and dated October 12, 1999]

Official Notice

5 June 2000

Chairman, Mr. Dorame, and

Inyo County Board of Supervisors:

- 1. **First District:** Ms. Linda Arcularius
- 2. **Second District:** Julie K. Bear
- 3. **Third District:** Ervin R. Lent
- 4. **Fourth District:** Carroll "Butch" Hamilton, Jr.
- 5. **Fifth District:** Michael A. Dorame

The Claimant(s) Joinder the Following:

I. Inyo County Administrative Review of the Independence / Conway Ranch Land Exchange / Sale, and the petition(s) and remedies sought, through "Injunctive Relief," and

II. Implementation by the Bureau of Land Management [BLM] of the "Immediate and Permanent Cessation Order" by the US Department of the Interior, Board of Land Appeals [IBLA], in the "wanton" destruction of the Firestone Mill, and subsequent "economic losses" that are contrary to "economic development," and the goals set forth in the 1999 "2020 Forum" to Inyo County thereafter, and

Civil Complaint Purpose & Intent: The Claimant(s) so joined, do contest, challenge and take issue with Numbers I & II above in the US District Federal Court [the Honorable Monte M. Reece, Presiding Judge], and

The Claimant(s) purpose and intent is the conveyance of the "light of reason," and "common sense," in the pursuit of justice, equity, due process, corrective actions, and the preceding summates in the avoidance of individual lawsuits and a class action lawsuit against County government, and

The Claimant(s), as a precursor to said same, under civil jurisdiction of the Inyo County Board of Supervisors, do contest, challenge and most seriously take issue with the "Board's approval" of the Independence / Conway Ranch Land Exchange / Sale, and

We seek the following: "Ethics and Justice in Inyo County," and "Injunctive Relief," and

Hereinafter, the Cause of Action(s) are as follows:

1. **Executive: Presidential Directive(s)** pursuant to the "Board's failure(s)," in familiarization, understanding and application of said Directive(s), and said same is applicable to:
 - A. Discrimination, and
 - B. Economic Hardship(s), and
2. **Brown Act: Failure(s)** in the proper implementation relevant to the "purpose and intent" of the act, and
3. **Joint Negligence & Due Process: Failure(s)** in obtaining the mandatory "written analysis, review and recommendations (input[s]) necessary to making an "informed decision," as derived from the following:
 - A. Inyo County Senior Counsel,
 - B. Inyo County Water Department,
 - C. Inyo County Planning Department,
 - D. Inyo County Mine Department, and
 - E. Inyo County Environmental Health Services, andOther departments, sub-departments and "professionals" employed by the County, who would, as a matter of job function, the duties and responsibilities thereof, be called upon to perform their duty, as applicable to the subject matter, and
Therefore, perform the necessary "due diligence" required in the process of "Research and Discovery," and
4. **Failure(s)** in legal and proper written notification to vested and interested parties, and
5. **Failure(s)** in "public notification(s)," over a period of time, commencing with February the 24th, 1997, through to October the 12th, 1999, a period of time constituting 32 months, ending October 1999, and
6. **Failure(s)** in properly keeping on file in the Mining Department, all of the mines upon BLM / USFS Federal land, so that accountability is established and therefore "the Freedom of Information Act" can be applied, and
7. **Failure(s)** in recognizing that a "contract" exists between the BLM / USFS Claimholders [lode & placer], and Inyo County government, and
 - A. Therefore, "taxation without representation exists," and "equal protection under the law," is forfeit, as is representation in the procedures necessary to "due process," and "due diligence," and
 - B. Further facts and reference(s) applicable to the 1999 "2020 Forum," and severe and adverse economic hardship(s) upon both County and Claimant(s), and real impositions imposed upon the County's revenue and tax base, and

8. **Quasi or Joint Jurisdiction:** Failure(s) in recognizing the legal fact that federal lands within the State of California retain and convey certain contractual rights, duties, and responsibilities to state government and subsequently to county government, and
- In portioned measure, Quasi or Joint Jurisdiction exists between the BLM / USFS and county government and the federal government's acknowledgement of this contractual fact is borne witness to by "Memorandum(s) of Understanding" [MOU], and
- The purpose of said same is the "uniform application(s) of law," and subsequently the "avoidance of lawsuits" between parties to any action(s), upon federal land within any respective county and therefore the elimination of "frivolous lawsuit(s)" which can "clog" the court's calendar, and
9. Failure(s) in knowing and applying "remedial laws or statutes," conveyed by legislation, providing means or method whereby causes of action(s) may be effectuated, wrongs redressed and relief obtained is "remedial," and
10. **Quasi in Rem Jurisdiction:**
- A. Inyo County, within Superior Court, is adversely positioned due to the Claimant(s) interests in the land, access to underground water, well-piping / storage tank and mill buildings and its exterior facilities, and
- B. Thereafter, upon consummation of the existing transaction, already referenced, and an administrative review not obtained from a US Federal Court, so as to effectuate corrective action(s), then remedial action(s), and "economic compensation" can, and must be sought, and
- C. Inyo County vs. Bureau of Land Management – The above, quasi in rem jurisdiction, is applicable before the fact, in a US Federal Court, and after the fact in "Superior Court," and joining Mr. Dwight McNaughton with the BLM in "civil litigation," and
11. **Grand Jury Investigation:** Herein, as contested, challenged, alleged and charged in the following elucidation(s), under this "civil complaint," and "Request for Immediate Action(s)," and
- Substantiated by the "Statement of Particulars," facts, county records, BLM EA CACA / Record of Decision, Exhibits and maps, and other vital and pertinent facts, data, information and affidavits, and any other data not available at this time, and therefore the conclusions are as follows:
- A. It is our "combined personal and professional opinion(s)," that "sufficient evidence exists," as to warrant "probable cause," under the statute of "Frauds," and
- B. Due to the results of the "on-going and continued" use of "deceptive practices," by both the BLM and the USFS, in their dealings with county government, as well as any number of individuals, company's / corporations and over any number of issues involving access, and land & water rights, the Claimant(s) call for a "Grand Jury Investigation," and

- C. Upon their findings, the filing of "criminal complaint(s)" with the US Attorney General and the State of California Attorney General's Office(s), for prosecution under the law, and
- D. Furthermore, we contend and so charge that both the BLM and USFS are in direct violation of State's Rights, and have "worked in concert," on or before the year of 1994 to this date of 4 June 2000, so as to "fraudulently divest Inyo County of their rights, access, and land & water, under the guise of "legitimate application(s) of law," and the "intent of Congress," and
- E. We further contend that their joint and several actions constitute numerous "breaches of the public trust" on a National and local level, with general and specific reference(s) being made at this time and set of circumstances within Inyo County, the Owens Valley and Inyo Mountains, and
- F. Abuse(s) of Power & Position in General: Specific individuals [undefined at this time] who are misguided and who may or may not be "working in collusion" with others in the "private sector" [civil realm], as covert agents, being paid off in the pursuit of criminal ends, and the stopping and/or circumvention of both federal and state laws, and
- G. Obstruction(s) of Justice: We conclude that the modus operandi employed is the "obstruction of justice" by the application(s) of numerous and nefarious methods constituting a criminal mentality which suborns the rule of law and its applications to the common good of the people, and

**Causes of Action Requiring an Administrative Review
by Inyo County Government**

12. Statement of Particulars: Within this proceeding, Part I & II [attached], we detail both general and specific complaints of such a "severe and damning nature," as to almost be beyond belief, in the arrogant application(s) of further abuses of power and position, and

Herein, a "general list" of wrong doing(s) requiring an administrative review, and are as follows.

- A. The use of words and phrases intended to convey false assurance(s) of honesty, truth, fact, validity, and veracity as to the legitimacy of content, and
- B. The issuance of false and misleading facts and statements, under the guise of "due process," which further confuses and obfuscates numerous subjects and issues, and
- The "omission of vital data," altered facts and false conclusions conveyed which summates in a "doctored" Federal document, and

C. Engaging in a "sweetheart deal," and closed sale in the use of a "facilitator," to circumvent the law, in the creation of a position and procedure thereto, which effectively stops "competitive bidding" for federal lands, and

Therefore, closes out Inyo County from being a bidder, as it does to any other singular individual(s) and other recognized business entities, and

D. The loss to the national treasury in a roughly calculated sum, ranging somewhere between \$1 to \$2 Million, and

1) This loss is further compounded by the property being located within an "economically depressed area," outside any potential for residential housing, upon land that does not have a prior history of agriculture usage; and the land parcels and their specific configurations being highly suspect as to the land use, and the motives and intentions so stated for their use, and the Board's approval to proceed, and

2) Therefore, the "withholding of material facts" necessary to the Board's approval, under "informed consent," and

3) The "carrying forward of a considered criminal act in progress," summing in an "illegal contract," and

E. This Civil Complaint further includes:

1) Violations of the 1872 (amended) Mining Law under prior rights and usage, by both land and water rights being included in the "Exchange," and

2) A future US government denial by the Claimant(s) in their acquisition through the patenting process; and

3) The "filing of a "bogus lawsuit" against Firestone Mining Industries, Inc. [1998]; and

4) The destruction of private and historical property, conveyed to Sunrise Mine & Milling as the claimholders at Barrel Springs, and the subsequent denial of claim rights (1998) as a precursor(s) to the theft of land and water rights initiated within the "Land Exchange / Sale" process, and

5) The illegal acts thereafter, suppression and covert withholding of "government reports," knowledge of and facts thereto which are mandated under law, due to vested interest and supported by valid and existing claims and a contract of purchase (Firestone Mill / Lone Pine Equipment Company on December 31st, 1999), all of which have a direct bearing upon the legitimacy of the "Land Exchange / Sale" transaction; and

6) The "clouding of title" through the inclusion of both land, water rights, well and equipment and loss of assets necessary to operate after 24 February 2002; and

7) The subsequent denial and capability of American Mine & Milling, and Lone Pine Equipment Company of receiving for placement, risk investment capital in the amounts of: 1) \$4,000,000, 2) \$10,000,000, and 3) \$10,000,000,

respectively, under the auspices of "economic development," and increasing the County's revenue and tax base, and

- 8) The "exercising of undue influence and pressures brought to bear" upon Lone Pine Equipment Company by the BLM in an "immediate signing," of a "Settlement Agreement" that violates the direct purpose and intent of "Compliance with," and "reactivation of the Mill," as set forth and mandated by the "Immediate and Permanent Cessation Order" culminating in the sale, and

Said same "signing of the Settlement Agreement," is contrary to the existing submitted Plan of Operations on the 29th of February 2000, and statements incorporated therein, the signing violates the stated facts, costs incurred and "time line required" so as to establish a viable entity through realistic, prudent actions and management by objectives [MOB] in the private sector, and

In conclusion, the undue influence exerted is but another example of "false and deceptive practices" which has as its net end result, LPE's failure to "reactivate within the "new time line," and subsequently violate the Settlement Agreement, and

Thereupon, the BLM will essentially "foreclose," and Mr. Dwight McNaughton, et al, will then be legally allowed to acquire both land, mill and its assets, and if this is not true, will then acquire the well, 1-1/2 miles of pipeline, and a 50,000 gallon water tank for his operations, and

- 9) Other gross irregularities as outlined, enumerated and defined in Part I & II of this "Civil Complaint," and

F. In conclusion, an "anticipatory breach of contract" is viewed as occurring after "formal due process," and title is transferred from Federal to Civil jurisdiction, and the resultant civil litigation ensuing thereafter, and

We contend "anticipatory offense(s)," before and after the fact, as well as probable and potential violations of California State Statute(s) under Mini Anti-Trust Laws.

We have also enclosed a "Time Line & Historical Record" for your review [see Exhibit B].

Part I of II

**Civil Complaint for Immediate Action
Inyo County Administrative Review**

[See attached list of joining companies, corporations, and individuals
with a vested interest, as well as other interested parties]

We seek the following:

1. **Injunctive Relief:** We enjoin a proper and timely filing by Mr. Paul Bruce [Inyo County Senior Counsel] to the appropriate Court of Jurisdiction," in obtaining "Injunctive Relief pursuant to an Administrative Review," for and on the behalf of County government and its citizenry respective and specific to the "Independence / Conway Ranch Land Exchange / Sale," and

Herein, identified within the US Department of the Interior and Bureau of Land Management's records of this "administrative procedure" known as: the "Environmental Assessment and Decision Record for the Independence / Conway Ranch Land Exchange / Sale CACA 39188 CA017.10" and dated "October 12, 1999" [see Exhibit A], and

Disclosure by Parties - Specific reference is made to the Bishop Area Management Office of the Bureau of Land Management [BLM], under the signature of Mr. Steve Addington [Area Manager], and Inyo County government pursuant to "notification," due process, informed consent, and a plethora of other misstatements of facts and irregularities which formed the basis of the Board's agreement to proceed, relevant to the aforementioned, and

2. **US District Federal Court - The Honorable Monte M. Reece:** It is our current understanding that US District Federal Judge, the Honorable Monte M. Reece is the appropriate individual and Court of Jurisdiction, because he is an "Administrative Judge," and the matter(s) before the court are within his jurisdiction, purview, and decision authority, and
3. **Late and Untimely Response:** This subject is addressed in more detail in "Part II," however in brief "indirect knowledge" occurred on the 29th of February 2000 at the time Lone Pine Equipment Company [LPE] filed their "Plan of Operations" [see Exhibit D] with the BLM, and in it's "reactivation of the Firestone Mill," which required a Three Million Dollars (\$3,000,000) capital infusement and approximately 18 months to effectuate said same, and

Direct knowledge on or about the 9th of March, upon the receipt in the mail of the EA and Record of Decision, as sent via standard mail at the request of Ms. Janet R. Blackburn to Mr. Larry Primosch [BLM Real Estate Specialist], and

The Closing of Escrow: On or about the 16th of March, in a personal meeting at the BLM office of Mr. Primosch, Ms. Blackburn was told that "escrow closed last week," which would of put the closing on or about the 9th of March, with the implication from the BLM that "we could not do anything about it." However, we differ between opinions and fact, and

Special Attention: We draw your attention to the factual basis that escrow closed on or about the same day as the receipt in the mail to Ms. Blackburn of the EA and Record of Decision, and

Research & Discovery Initiated: We then initiated our own "research & discovery," and it has taken until this date for the factual data to be acquired and assembled for review by the Inyo County Board of Supervisors and subordinate department directors, and

4. **Errors in Government:** Wherein "errors in government" occur, precedent has been set that affords government at the County, State and Federal levels to remedy said same, and

The prescribed method is the "granting of additional and sufficient time" to re-evaluate any situation and/or set of circumstances so that the "best interests of the public good are served, and

5. **Administrative Review:** We further seek "Injunctive Relief" so that additional and sufficient time is granted by the court that allows for an "Administrative Review by County government" pursuant to the following:

A. Re-Evaluation - A re-evaluation as to Inyo County government's duties and responsibility(s) within the framework of "due process" relevant to participation and cooperation in the "administrative actions conducted by the Bureau of Land Management [BLM] and the United States Forestry Service [USFS], *referenced in the proceeding(s) as being germane to "land and water issues" within Inyo County and the "Cause of Action(s) leading to such a review,"* and

B. Clear and Present Danger - Herein, *we cite the "discovered peril doctrine," and this example as being "atypical" of both the current situation and future situations to come unless remedied and new policies originated, implemented and enforced by County government,* and

C. Travesty of Injustice - Therefore, we see a "travesty of injustice in the consummation phase," as exemplified by prior and existing failures, on Inyo County's government's part, by not effectively using the professional services of

subordinate departments, and its understanding of the appropriate applications of due process and procedures thereto, and

- D. Negative Impact upon Inyo County Tax Base:** In accordance with the Board of Supervisors approval of the "Land Exchange / Sale," *was the conditional approval and admonishment that said same would NOT adversely affect the county's tax and revenue base, and*
- E. Research and Discovery:** Predicated upon this "board's decision," the proponents of this "Civil Complaint for Immediate Action" initiated a "private party, Research and Discovery Action," *the results of which clearly demonstrated that indeed the County's tax and revenue base would be adversely affected if the "existing conditions of the 'sale' were to stand unchallenged," and the process run its natural course, and*

Economic Point(s) of Case Address: In conclusion on this specific "economic point of case address," are the findings of "multiple violations of Presidential Directives," specific to:

- 1) Discrimination,
 - 2) *Economic hardship(s),*
 - 3) **Additional federal and state law(s) / violation(s) have occurred that severely threaten the placement of up to Twenty four Million Dollars (\$24,000,000) into the economy of Inyo County, and**
 - 4) *The creation of 100 permanent jobs in the Independence area within three (3) years upon the completion of the Three Million Dollars (\$3,000,000) expansion of the existing Firestone Mill facilities, as submitted to the BLM on the 29th of February, 2000, and*
- F. County Valuable Resources:** Herein, be advised that *the Firestone Mill [established in 1978], is the only mill in Inyo County capable of servicing and therefore processing the ore from the County's mine claimholders, and it is a valuable economic resource for County tax revenue and employment opportunities in an "economically depressed area," and*
- G. A "Sweetheart Deal" –** *This is to be compared against the sale of 1,340 acres of federal land, effectively sold to a "private party," at the rate of \$255/acre for a total sale price of \$341,700, and*
- H. Comparative Valuation –** Be advised that on page 2, 2nd paragraph of the EA Report, that:

"Since publication, the acreage identified for acquisition has been reduced to 270 acres or less in order to equalize values. The actual land acquired will be parcels located in the Conway Ranch and the legal descriptions will be determined by cadastral survey (see Map 1-Exhibit G) for location of the acquired land.", and

Given the "reduction in land acreage in Mono County," as versus Inyo County, a rough assessment indicates a \$2,000 value per acre in Mono County, versus a \$255 per acre value in Inyo County, and

- I. Inyo County Government's Opportunity** - In the process of "temporarily stopping the "Land Exchange / Sale," through "Injunctive Relief," Inyo County government has the ideal opportunity now to implement corrective actions, and formulate new policies, so that this same action or one similar, doesn't happen again in the future, and

Be further advised that on page 2, paragraph 7, we see the following:

"The Resource Management Plan (RMP) Record of Decision (ROD) is cited as follows: Preferred method of land tenure is exchange (area-wide decision, page 16), dispose up to 2,640 acres for agriculture use, residential expansion, and community services (Owens Valley Management Area Decision, page 43), dispose up to 82 acres for agriculture use (Southern Inyo Management Area Decision, page 47), public land involved in the exchange is identified for disposal on RMP Lands and Minerals, Map 4.", and

Wherein the above is true, then if 1,340 acres are to be exchanged / sold, the balance is 1,300 acres of "Owens Valley land that can be acquired at a future date," and

- J. Memorandum(s) of Understanding** - In this regard, the answer(s) reside within knowing existing "Presidential Directives" and laws enacted by Congress, as well as the guidelines used by the BLM / USFS in the "Code of Federal Regulations (CFR's) and their practical applications between the County and Federal government, and

We cite the Independence / Conway Ranch Land Exchange / Sale," as but one example, and it is only one of many MOU's that are non-existent and which require address, and

- K. Herein, proper due process should have included the following:**

1. Dept of Environmental Health,
2. Mining Department,
3. Inyo County Water Department,
4. Planning Department,
5. Inyo County Senior Counsel,
6. Implementation of "The Brown Act," and
7. Public disclosure and discourse amongst the citizenry for input and resolution(s) formulated and enacted as "County Codes," "Memorandums of Understanding (MOU) between County government and the Bureau of Land Management (BLM), and the United States Forestry Service (USFS), and

6. **Cause(s) of Action:** *These are identified in the proceeding and Statement of Particulars and their number is such as to graphically point out and illustrate the "direct and immediate need for injunctive relief,"* and

7. **American Mine & Milling [AM&M] / Lone Pine Equipment Company [LPE] / Firestone Mining Industries, Inc. [FMI] / Missouri Mines, Inc. [MMI] / International Recovery, Inc. [IRI], Sunrise Mine & Milling, et al, and additional vested and interested parties seek a "fair and equitable solution" for both County government and the aforementioned, and**

Herein, we seek the following:

- A. The removal of all land north of the improved gravel road between Mazourka Canyon Road and the FMI / LPE production well, and identified as such by: a) hatch marks, and b) use of the color pink as a highlighter, and
- B. The removal of "the patent reservation of the Production well," so identified as "The Betty Jumbo Millsite #8," and all millsites inclusive, identified or not, by the BLM Environmental Assessment Report and Record of Decision as stated in the proceeding, and

This includes the presupposed "Sunshine Mine" abandoned well," as referenced on page 4, "1. Alternative 1" [paragraph 2:

"A water well (Sunshine Mining Corp. Abandoned well) located in Section 17 would also be disposed of in the exchange. The patents and deeds, in fee, would be issued 'subject to all valid existing rights of record.'"

- C. Interdiction by County government in the application of existing laws in effect but not enforced by County government entoto, as referenced in the above number "5. K.," and
- D. Interdiction and assistance and written support by the Inyo County Board of Supervisors in saving the Firestone Mill, and

Its capability to obtain investment capital and sustain operations by "clearing title" which is currently "clouded" by Inyo County's failure(s) to implement "Equal Protection Under the Law," informed consent by direct and vested interested parties, and violation of "Presidential Directives" constituting both economic hardship and discrimination in the misapplication of existing laws, regulations and rules of legal conduct, and

- E. **Settlement Agreement:** Herein, be advised that Lone Pine Equipment Company [LPE], purchased the Firestone Mill and its claims from Firestone Mining Industries, Inc. [FMI], under a "distressed sale," after being sued by the BLM in what is viewed as a "bogus lawsuit," thus causing FMI's investors (86) to loose \$8,000,000, and

Solicitor's Office: It was through the efforts of Dr. Robert E. Richardson [Executive Vice President of FMI], and the good services of Dennis Keeley, Esq. of Baker & McKenzie [a San Francisco based law firm specializing in the mining industry], who obtained a 90-day extension so that the sale could consummate, and

IBLA Decision: Herein, be further advised that the "Interior Board of Land Appeals [IBLA]" of the US Dept. of the Interior, caused to be issued "An Immediate & Permanent Cessation Order," the results of which called for the "immediate destruction of the Firestone Mill and returning the land back to its natural state, as well as "all personal property on the land would become the property of the US Government, and

Plan of Operations: Upon the "close of sale" by LPE at 6:50pm on the 31st of December 1999, LPE spent the next 60 days, until the 29th of February 2000, formulating the company's "Plan of Operations," to reactivate the Mill," and in the process resolved all issues leading to the BLM's lawsuit in the first place, and

Addressing Issues of the Lawsuit: Furthermore, upon the receipt of the "Environmental Assessment Report" on the 9th of March to this date, LPE has addressed all issues of the lawsuit regarding "the Millsite Cleanup," and the "reactivation of inoperable equipment," and

Protocol & Procedure: Between the 14th of March to this date (3 June) has diligently spent its time analyzing, researching and discovering what facts it could about the EA, and submitting those findings totally to Mr. Michael Dorame [Inyo County's 5th District Supervisor], and Mr. Paul Bruce [Inyo County's Senior Counsel], prior to informing all additional Supervisors, Department Directors, Federal / State government agencies, vested and other interested parties, as well as the press, and unknown by the BLM as to this "Federal/Civil Action" in progress, and

"Nailing Us To the Cross:" Therefore, *the BLM has "unreasonably and unfairly demanded that we sign a "Settlement Agreement" that is contrary to our "Plan of Operations"* [see attached and correspondence to date, listed as Exhibit H], and contrary to both the facts, standard business practices, economic practicalities, and "the Solicitor's Office" in "granting a 90-day Extension," in the exercise of common sense, and

"Catch 22" Situation: The net end result is we "sign now," and this would stop the \$3,000,000 investment capital from coming forward because the "title is clouded," and "the millsite claims and water well," necessary to operations, is being included in the Land Exchange / Sale, against the law under "Prior Rights," etc., and we are caught in a "catch 22" situation, and

In conclusion, we request assistance, so as to cordially bring about an equitable solution for all concerned and thereby avoid unnecessary and future litigation.

**List of Companies, Corporations, and Individuals
with a Vested Interest, as well as Other Interested Parties**

We are joined by:

The National Mining Association, Baker & McKenzie Law Firm – Dennis Keeley, Esq., People for the USA, Field Director, American Mine & Milling Company, Lone Pine Equipment Company, Firestone Mining Industries, Inc. [with 86 stockholders], Missouri Mines, Inc. [with 35 stockholders], International Recovery, Inc., Gwen Properties, Sunrise Mine & Milling Company, P.D. Goodwill Consultant, Mt. Whitney - Aurora Gold Exploration Company, Black Eagle Mine & Owners, Action Mining Services, Inc., Mr. Gregory E. Lippincott, CPA Firm in Bishop, Karl G. Kappel, Esq., Sidney J. Gordon, Esq., as well as:

Vested Interested Parties:

Mr. Paul M. Skinner, Mr. Gene D. Mathern, Ms. Janet R. Blackburn, Mr. Irving M. Garfunkel, Mr. Don C. Como, Dr. Robert E. Richardson, Dr. William Sullivan, Mr. Daniel & Nina Hardwick, Mr. Dustin Hardwick, Mr. & Mrs. Bill & Barbara Gossett, Ms. Kay A. Condie, Mr. Justin Blackburn, Mr. Jim K. Beesley, Ms. Carole A. Blum, Mr. & Mrs. Len B. & Winnie Tarr, Mr. John R. Pennington, Mr. Tom E. Lane, Mr. Ron V. Bennett, Mr. Gregory Eckhart, Mr. Glenn Eckhart, Mr. Phil Heithaus, Mr. & Mrs. Don L. & Leilani Kilpatrick, Mr. Dan Kilpatrick, Mr. & Mrs. Fred & Carol Lopez, Mr. Joseph Lavin, Mr. Roy Langennegger, Mr. & Mrs. R. Michael & Linda Tidwell, Mr. William Mongiello, Mr. Mark L. McCall, Mr. & Mrs. Solomon & Linda Melnick, Mr. Robert E. Mazurek, Mr. Gerald D. Lee, Ms. Jasmin B. Mathern, Mr. Richard Schellander, Mr. John Scarlatella, Mr. Steven Scarlatella, Mr. Steven L. Williams, Mr. Ron E. Wheeler, Mr. Nico P.M. Vosloo, Ms. Mary M. Vegher, Mr. John Howard Mathern, John H. Mathern Trust, Paul & Jamie Knappenberger, Ms. Marge E. Blackburn, Mr. Jason W. Bennett, Mr. Bruce Tweedy & Associates, and

Other Interested Parties:

Mr. Paul E. Payne [Retired 5th District Supervisor], People for the USA, The Trust for Public Land, California State Historical Preservation Office, Arlene Grinder – Independence Chamber of Commerce, High Desert Multiple-Use Coalition, Inyo County Watchdog Committee, Mr. Jack Pound – Public Advocate for "Honesty in Government," Ms. Bennett Kessler – K-Day Radio, Mr. Paul Payne, Inyo Register, Los Angeles Times, National Mining Association, Mr. Vernon S. Rea, Ms. Annie Putnum, Mr. Jesse Fowler and Mr. Edward M. Fowler, and others.