

Beau erected a 3 stamp mill on the claims in the early 1880s. Water for milling and domestic use was also developed. Names of the claims have changed over the years, but the property we have now, including Stone Cabin, is the same property once held by Mitchell Le Beau.

I mention the foregoing to show how long the claims have been in the Le Beau family. Peggy and I have been the owners of this mining property since 1946. I filed an Intent to Operate with FS on October 13, 1981. This Intent to Operate was signed by Harold Bolt of FS Supervisor Office and Rangers Jack Fitzwater and Ken Genz. This Intent to Operate filing stated that no bond or special use permit was required; also, that no Plan of Operations need be filed, as there would be no significant surface resource disturbances. No additional information was required. File number of this Intent to Operate document signed by the three Forest Service officials is 03-81-022. Copy of this document filed in appendix.

September 27, 1990

Tracy Hart representing FS Environmental Problems and, John Branch FS biologist, came to visit the mine on this date. Craig Raymond, who was working for me took them on a tour of the mine and the Illinois Springs area. They had planned to examine Aldrich and Jacks Springs since I had offered to develop them for wildlife and livestock. It was late in the day and the weather was threatening so, they decided to return at a later date. They said they would let Craig in Gabbs know when they would return.

At this time, Tracy Hart told me I had to have a Plan of Operations to operate the mine. I told her I had an Intent to Operate signed by FS representatives and later had agreed to a Plan of Operations worked up between Ranger Wholberg and myself in 1985. Wholberg took the handwritten plan back to Austin to have it typed. I received a typed plan a couple of weeks later but it was so different from what we had agreed upon that I would not sign it. He said he would go back over the hand written plan and type up another plan with the language I had previously requested.

After some time passed, while I was in Austin, I stopped at the Ranger Station and inquired about the plan. I wanted a copy to examine. Ranger Wholberg was not there and

neither was the Chief Ranger, Monte Lewis. The two female rangers I talked with acted as though they knew nothing about it.

Later I received a letter from Ranger Lewis stating that I had to have an Plan of Operations and he wanted me to cooperate on the plan. A short time later I stopped at the ranger station and got the same story as on my earlier visit. I was trying to cooperate but, FS was not.

I told the lady ranger they would have to bring or send me a copy of the plan since I did not intend to be in Austin for some time to come. I also told her if the plan was written to my satisfaction I would sign it. Much time went by without any communication from the FS office in Austin and I assumed that my operation did not require a Plan of Operations or that the Intent to Operate I filed in 1981 was sufficient.

October 3, 1990

I met Tracy Hart of Austin FS and John Branch, U.S. FS Grazing Expert, at the junction of Valley Road at 11:40 a.m.. They were one hour late. They wanted to examine the springs I had volunteered to develop for wildlife. The springs had no connection to my mining property. I had written a letter to the FS asking them for clearance from the cattleman to use his waterline trail to get to the springs. Tracy Hart said the cattlemen had no control over the springs since they had no permit for water. I had helped the cattlemen develop the springs in 1957 and I'm sure they had State Rights to the water (Witeacre was the cattleman at this time).

On this trip Ms. Hart also told me I had to fill out forms for a Plan of Operations and she gave me the forms. We had gone to the springs in my brush buggy. We returned to their vehicle and then I drove to camp. They returned to Austin.

I have never been able to get a written statement from Ms. Hart or any other FS employee quoting the rule or the law requiring me to have a Plan of Operations since I don't disturb 5 acres of surface. I have had surface rights since the claims were staked before July 23, 1955.

I later checked records in Tonopah and found that the Springs I wanted to develop was on land deeded in the Statehood Land Act of 1864, containing two 160 acre parcels in

two adjoining sections. My wifes grandfather had a freight station on one of the 160 acre parcels. I acquired a map showing the deeded land from BLM. This goes to prove the FS Ranger was wrong in saying the cattleman had no water rights. Furthermore, BLM has a water developed plan showing installation of the line in 1957. I was sure of the cattlemen water rights as I used my D4- dozer to make the road for laying line in 1957. This proves that either the FS Rangers were lax in getting information or, were intentionally deceitful.

October 26, 1990

The value of work that I promised to do on the Jacks and Aldrich Springs would have cost at least \$2,000.00 if contracted out. I mentioned to Tracy Hart that I would improve the two springs nearby for the use of cattlemen, and wildlife would also be able to use the springs. Ms. Hart remarked that I was not to do any work for cattlemen. I later learned from the Recorders Office in Tonopah that neither spring is on FS land. Perhaps Ms. Hart did not know this.

The two springs are on patented land. The patent was acquired before 1881 by Special Grant to the State of Nevada.

November 4, 1990

I went to Reno to see Nick Zufelt of FS about charges on M.F.M. road that I had built. The road is listed as part of the Plan of Operations and he said there was no charge. I had some trouble concerning road charges last year. I pointed out that the road had been there since about 1865 except for portions I built in the canyon after receiving a permit from FS in 1954. All costs were paid by me and I also did all of the work by myself, costing me over \$65,000.00. I was assessed for use of the road by FS for three years. I refused to pay. I was threatened with road closure if I did not pay. The road is 2.8 miles long. FS broke the charges down in 2 stages; 1) first mile is on BLM land, charge of \$45.00 2) beginning on FS boundary to camp and on to mine is 1.8 miles, charge of \$125.00. This route was once a horse mail route from Grantsville to Lodi Valley and other mining camps in the area. When FS realized they would not succeed in closing the road they quietly stopped their efforts. One can see how the FS harasses users until many cave in to their unlawful

demands.

November 15, 1990

Tracy Hart and Maureen Joplin, who is a geologist and works out of Toiyabe FS headquarters in Sparks, Nevada, arrived at 11:50 a.m. for a meeting that had been agreed on for 11:00 a.m.. I explained to them that I still had not been furnished a statement showing why I had to have a Plan of Operations and I did not believe one was required. Ms. Joplin hinted that if I did not file a Plan of Operations there would be no granting of a patent to claims I had filed for Survey of Patent even if the survey was approved. This statement lead me to believe my application for patent was causing the FS some concern. At this time I had already hired an approved surveyor to do the claim surveying. I should have contested Maureen Joplins Gestapo tactics but, it was rather unbelievable that FS would have someone of Maureen Joplins qualifications having so much power. Surely, I thought, the FS has some reasonable and less deceitful people in the higher up echelons to prevent her from practicing in this manner. It appears I was wrong and Maureen Joplin was running the whole show and the rest of the FS employees were her stooges.

Ms. Hart, Ms. Joplin, and I went to look at the mine. Maureen asked a lot of questions and took many pictures. I asked if she would like to go in the tunnel. She said she would take a rein check and would want to go in the tunnel when she came back to make a validity test at the time of mineral examination. I mentioned that BLM said they would do the mineral examination and Ms. Joplin said she would be here also. We came back from the mine at about 2:00 p.m. and they left soon after. Ms. Hart gave me a letter before she left granting me permission to go ahead and develop water for wildlife in the Aldrich Canyon. Unfortunately, I didn't read the letter until after she had left, but found nothing in the letter that gave approval without liability for me to go over the cattlemen's waterline.

January 9, 1991

I called Ms. Hart of FS and made arrangements to meet her in her office in Austin on January 11 to work on the Plan of Operations. The time was set for 10:00 a.m..

January 11, 1991

I left for Austin at 6:50 and arrived in FS office at 9:50 a.m.. I met Ms. Hart and we went to a meeting room and started to work on a Plan of Operations. Shortly after we started an unannounced FS ranger named Larry Raley appeared. There were two members of the FS and me. There is always a larger number of FS personnel at any meeting. I realize now that I should have asked Mr. Raley to leave. I thought he was there to assist in the writing of the plan but, it was he who dictated what was to be written. In an effort to cooperate with the FS, I agreed to some things that I did not want. When we got near the end of the plan Mr. Raley told me I could not live on the claim. After 45 years, thousands of dollars spent, and many hours worked, I was told to leave. I reminded Mr. Raley that the FS had told me I could live on the claim as long as I was mining. Mr. Raley had even figured the cost of driving from Gabbs to the claim. I told him it was an advantage to the FS for me to live on the claim since I watered and protected the wildlife while I was there and also, if I had not been there the stone cabin would have been nothing but a pile of rocks by now. His answer was that a pile of stone was as good as a standing cabin as far as historical value was concerned. I was disgusted by his remark about the cabin, as was Ms. Hart, who was a witness to the remark. Ranger Raley knew or, should have known, he could not keep me from living on the claims as there is ample court cases ruling in favor of one living on a claim as long as the habitants or the owners are actually mining. I pointed out to Ranger Raley that I would not have built a recovery milling plant, costing \$52,000.00 if I did not intend to mine. I also spent \$65,000.00 putting in the road to the property. Ranger Raley's conduct convinced me that FS would use deceitful methods to force me out of Marble Falls Canyon. FS employees of this stature should not be allowed to deal with the public.

FS requested an extension (60 days) of time to evaluate the operating plan. I agreed.

January 14, 1991

I received a letter from FS informing me I had until January 25, 1991 to sign and have an approved Plan of Operations for the mine or I would be closed out and the claims

would be declared null and void. This threat prompted me to seek out Paul Iverson of Nevada Department of Minerals. I made arrangements for the two of us to meet with Nick Zufelt of the FS office in Reno.

FS cannot void my claims. This act is done by the Department of Interior under 228.1 of 36 CFR, revised as of July 1, 1990 states "It is not the purpose of these regulations to provide for the management of Mineral Resources; the responsibility for managing such resources is in the Secretary of the Interior."

It appears to me that FS is not following the rules and regulations governing procedures of FS in dealing with mining FS lands. Apparently FS Rangers plan on harassing me until, in disgust, I throw up my hands and quit. Considering over fifty years of work and many thousands of dollars spent in developing the property I have no intention of doing so.

January 15, 1991

I left for Reno at 6:30 a.m.. I was met by Russ Fields from the Department of Minerals, rather than Paul Iverson, at 1200 Franklin Way in Sparks. We then met with Nick Zufelt, who called in his assistant, Maureen Joplin. I asked Mr. Zufelt many questions regarding the letter that I had received from the FS. I also asked about other problems but, I received no direct information to my questions. Mr. Zufelt and Ms. Joplin both said I had never had an Intent to Operate and that I had never even applied for one since the Austin office had no copy in my file. I produced copies of both documents and allowed them to make copies. It became apparent to me that Ms. Joplin and Mr. Zufelt were merely fishing for information in asking to make a copy of the Intent to Operate which I had filed on October 13, 1981. They wanted to see if I had a copy of the original. I saw a change of expression on Ms. Joplins face when I produced a copy. Ranger Wholberg told me I had an Intent to Operate on file but, that I had to have a Plan of Operations on file and that the Intent to Operate would not qualify. I did not believe this explanation.

36CFR #228.4 - (2) explains that if a notice of Intent is filed the District Ranger will, within 15 days of receipt thereof, notify the operator whether a Plan of Operations is required. Six weeks later I was told a Plan of Operations was required. Based on the

foregoing I did not believe I was required to have a Plan of Operations. Furthermore, the District Supervisor and his two assistants who came to the mine said a Plan of Operation was not required because I was working under ground and was not making any surface disturbance.

These gentlemen got all the information from me that they required and said they would return a copy to me, which they did in short order.

Before this time another FS Ranger from Austin District told me, before a witness, I was not required to have an Intent to Operate or a Plan of Operations because I was working under ground and not disturbing more than 5 acres. This man has since retired from the FS. Being as honest as I know he is I feel sure he would testify under oath to this statement.

Mr. Zufelt and Ms. Joplin said I had never received a permit to build the new cabin. I was given verbal approval when a ranger from the Austin office arrived and I was pouring concrete for a floor. I doubt that a written permit was required in 1978-1979. Matt Wholberg, FS ranger, was present when I was working on the walls and roof. He asked if I would use old lumber on the outside rather than the new lumber that I had purchased so it would not detract from the historical value of the old stone cabin I had preserved from ruin. He also asked if I would use brass fixtures and old style bathroom fixtures if possible. (I have a witness to these requests.) I told him I would do so if possible, once again showing my willingness to cooperate. Would it not be the same as a permit (written) to build the cabin? Regardless of a permit the cabin was legal as long as it would be used for housing while working at the mine. In this instance I am trying to placate FS in their demands as I had already purchased and transported the lumber to the mine site.

I asked Mr. Zufelt and Ms. Joplin why the Plan of Operations could not be for ten years rather than for one or five years. Zufelt answered that the Plan of Operations could be changed at any time. I found this to be untrue. I later discovered through the Federal Regulations that a Plan of Operations is not regulated by the number of years, as far as longevity is concerned but, is good as long as the status quo is maintained near the production level at the time the Plan of Operation was established and no more than five acres was disturbed. An approved Plan of Operation is a contract

between the FS and myself and is good for an indefinite period of time.

Russ Fields asked several questions but, received no direct or conclusive answers. The meeting was concluded by Mr. Zufelt saying he would get in touch with the Austin FS and see if my complaints could not be remedied and would contact me with the results. I never heard from either the Reno or the Austin FS offices.

Maureen Joplin, assistant to Mr. Zufelt, was present and had to approve of the Plan of Operations. Why did Zufelt say he would have to contact Austin FS office, thereby causing more delay? I was not allowed to do any mining until this was settled. Later, after reading Federal Regulations, I find that I did not have to quit mining pending Plan of Operations approval.

February 1, 1991

FS called on January 23 to say the team could not get together and asked for a new date. I told her to choose a date and let me know since I would be home all next week.

February 22, 1991

My wife and I went to the mine to meet with FS Ranger R. Vaught, Tracy Hart, and Larry Raley. They arrived at 10:20 a.m. I took them on a tour of the mine and mill. I asked him about dumping tailings from the mill into the canyon. His answer was, "If there are no chemicals it will do nothing but good". I asked the question because Ranger Wholberg told me on a previous visit while I was running the mill that I would have to shut the mill down because I was putting tailings in the canyon floor. Apparently Ranger Wholberg is not capable of following his supervisors instructions, which in this case was correct.

We went to the cabin for further discussions. I asked him when the interdisciplinary team was coming to evaluate for the approval of the Plan of Operation. He answered soon and, before March 1, since I want to get this settled before transferring to Alaska on March 1, 1991.

I asked Mr. Vaught in the presence of Mr. Raley if he thought a pile of stones was as good as a standing, usable cabin as a historical site? He grinned and said, "Hardly". Mr.

Vaught said he could foresee no reason why the Plan of Operations could not be granted without delay.

The Interdisciplinary team arrived from FS at 2:40 p.m. I had started home since they were to be here at 1:00 p.m. Seven members of FS personnel made up the team. The wind was blowing a gale. All of us went to the cabin and I was asked a lot of questions. There were five women and two men. Most questions were of the environmental nature. The team wanted to walk to the mine from the cabin. On the way they inspected the old storage shed by Camp Spring. Ms. Joplin had originally told me I would have to move the cabin out since I did not get a permit to move it in. Ms. Joplin referred to this storage shed as a 1 and 1/2 car garage. She does not know that a building of this type is measured in feet. Diane Flannigan, Archaeologist was checking the cabin and I told her not to worry about it since Ms. Joplin said I had to move it out. Diane said I could not move it out since it was built in the early 1900s and was considered a historical building. She said I could move it to another site on the property. Diane also said the old one hole outhouse must remain in its place since it was built in the 1930s depression. It too is considered to be a historical building.

I hope you realize what I have had to put up with. Ms. Joplin is not capable of her position and should be demoted or better yet replaced with someone more capable. In this case it was damned if you do and damned if you don't.

We walked on to the mine and I showed them some marble from whence the canyon got its name. I showed them the mill and the two men walked on up to the reservoir. They came back and were well pleased with the way I had developed water for the wildlife. We all returned to the cabin and Ms. Hart said the Plan of Operation would be completed in a week or 10 days. I heard one woman say, "Let's get going". The answer was, "Why hurry? You are getting in some easy overtime." they got in the two vehicles and left at 4:40 p.m.. This is typical of the FS crews I have come in contact with here in Nevada.

All the previous correspondence about the time consuming environmental report by the interdisciplinary team had actually been completed in one hour and forty minutes. It could have been done in January and would have saved me time and money and possibly a sale on the property.

I later learned from a waitress in Gabbs that the team had lunch there and they stayed in the cafe at least one and one half hours. Their appointment with me was for 1:00 p.m. Very inconsiderate in my estimation. After the team left, I had to drain the water line, secure the buildings, and sweep the cabin before leaving for home. I left the cabin at 6:00 p.m..

March 31, 1991

I wrote a letter to Tracy Hart regarding the Plan of Operations for the mine since I had heard nothing from her after our meeting on March 11. She had told me at that time it would be ready in a week or 10 days.

April 1, 1991

I sent to Mr. Zufelt, a copy of the letter I had written to Ms. Hart. I called the FS Regional Office in Ogden, Utah asking for help in getting the Austin FS personnel to get the Plan of Operations approved. I talked with Ed Browning, head of Minerals Management of the Western Region. Mr. Browning said he would check with Austin and Reno offices of FS and get back to me tomorrow at 3:00 p.m. my time. I definitely needed to get the mine and mill in production.

During the meeting at the cabin, Ms. Hart told me that the Plan of Operations should be completed in a week to 10 days.

I had turned in an Plan of Operations in Nov., 1990. FS would not accept it. They said it was incomplete. They then started the old demand and harassment game again. Here it is April 1, 1991. During the time from Dec. 1st or earlier I have not been allowed to do any mining. I was threatened with a fine of \$5,000.00 per day if I did. I can find nothing in FS regulations that says no mining can be done while the Plan of Operations is being formulated. In fact, FS regulations explained in 36 CFR 223.4-2 (B) "Any person conducting operations on the effective date of these regulations, who would have been required to submit a Plan of Operations under 228.4 (A), may continue operations, but shall within 120 days thereafter submit a Plan of Operations to the District Ranger having jurisdiction over the area within, which operations are being conducted".

This regulation invalidates the threat by the FS to fine me even though I had a Plan of Intent signed by three FS Rangers. They put in print that I did not need a Plan of Operations and all three signed it. I might add that one of the Rangers complimented me on a well kept mining operation. Ms. Hart wrote on the back of one Plan of Operations that I was a very good steward of the land. She made this notation on back as she was making notes to incorporate in the Plan of Operations when she returned to Austin or, so she said.

However Ms. Hart is not to be fully trusted as she also told me before that the Plan of Operations should be completed and typed up in a week to ten days.

April 2, 1991

Bob Randolph of FS in Ogden, Utah called in reference to my call to Ed Browning. Mr. Randolph said he would see that the plan would soon be forthcoming and instructed the Austin FS to contact me and make arrangements for me to read, approve, and if desired, the reclamation plan for bonding. He said bonding was the only thing holding up the Plan of Operations. This is not true since the bonding had been approved by them for some time. I have no idea why they told such a lie.

I told Mr. Randolph that Ms. Hart had said at the meeting on March 11 that she would have the plan typed and ready for my signature within a week or 10 days, and would arrange for a meeting to go over the plan together. I explained to Mr. Randolph that I had started working on the plan during the first part of October, 1990. Six months later I am still waiting for an approval of the Plan of Operations.

I arranged to meet Mr. Randolph at a Congressional Hearing in Reno on April 13. He said he had heard a lot about me and would like to meet me. I invited him to visit the mine anytime. He asked me to call him if I had any more trouble getting the Plan of Operations. Being an honest man I am sure Mr. Randolph will agree with what I have told you.

April 10, 1991

Maureen Joplin called to get approval to meet at my house on April 19 to again go

over the Plan of Operations. My wife, Peggy, took the call and told her I would call back the next day.

April 11, 1991

I returned Ms. Joplins call. I asked her why I had not been contacted since our meeting on March 11, 1991. Ms. Joplin said she would call Tracy Hart and have her send me a copy of the Plan of Operations for my consideration. Ms. Hart called about 10:00 a.m. and said she was working on the plan and had been for several days and thought she could finish it and have a copy in the mail by Friday. Ms. Hart could give no reason for not letting me know anything since our meeting on March 11. When I received the Plan of Operations, it was hand written. The time involved to type up the Plan of Operations would be no more than two hours according to paper reduction act.

Ms. Joplin had invited Russ Fields, manager of the Nevada Department of Minerals to attend the meeting. if the Plan of Operations is written as it has been agreed on, there is no need for Russ Fields to attend.

April 13, 1991

I met Mr. Bob Randolph at the Miners and Lands meeting in Reno. We discussed the need to get the Plan of Operations completed by the FS in Austin. I mentioned to Mr. Randolph that FS personnel in Austin had even complained about my wifes postage stamp size garden and her flowers. I also told him that Mr. Raley of Austin FS had told me I could not live on the claims when 3600 CFR plainly says that I can. After our conversation, Mr. Randolph said he would call Ms. Hart as soon as he returned and request a copy of the Plan of Operations be sent to me for my examination. I did not receive a copy of the Plan of Operations before the scheduled meeting to approve it.

I would like to point out that when I met Mr. Randolph at the "Miners" meeting in Reno on April 13th he indicated he would like to make a trip to see our mine and that now he may be able to do so. Because of this statement I am inclined to believe he made a deal with BLM to do the Mineral Examination very recently. Why did he not tell me so at this time? It appears they were on a vacation trip on taxpayers money. They arrived at 2:40

arrived at 2:40 p.m. April 28th, made a sight seeing excursion of the area, left at 4:10 pm and returned the 29th at 9:40 a.m. and left at 11:50 a.m.. They took up two days of my time plus one day of witness Bull Durbin. No actual patenting work was done.

Remember on March 11, 1991 Ms. Hart said she would have the Plan of Operation typed and ready for signing in a week to ten days. On April 11, 1991 she is admitting she does not have the Plan ready.

April 18, 1991

I received a letter from Maureen Joplin via express mail, which contained the Environmental Assessment assembled by the group that visited the mine on March 11.

The short Environmental Assessment done by FS personnel on March 11, 1991 took thirty seven days to get from Toiyabe FS head quarters office in Reno to Austin FS District Office. Another case of delay harassment.

April 19, 1991

I still had not received the copy of the Plan of Operations promised by Ms. Hart. I needed to review it before the meeting.

Ms. Hart, Ms. Joplin and Russ Fields arrived at 1:00 p.m.. We spent two and one half hours going over the plan. Many of the demands do not follow Federal Regulations, especially under 3600 DFR #228. I conceded to more than I should have in an effort to please Ms. Hart and Ms. Joplin. I needed the Plan of Operation approved and in place by April 25 according to the lease option I had with Kevin Keim, K&S Resources. K&S Resources would not start work until the Plan of Operations was approved. I signed the Plan of Operation as being approved for Ms. Hart to type. Ms. Hart was supposed to call me in a week to come in and sign. The Chief Ranger would also sign and I would receive my copy of the Plan of Operation.

April 25, 1991

FS personnel requested that, before approval could be given, I remove an old pick up body used for spare parts and a two wheel trailer used for storage. I did so.

April 26, 1991

I contacted Ms. Hart to see if the Plan of Operations was ready. I was told it would be another week. Ms. Hart said the FS would not accept Dean Whittier Bonding covering reclamation. I made arrangements with Valley Bank for bonding. I received the bonding papers to take to FS in Austin on Monday. After Ms. Hart said it would be another week before the Plan of Operations would be ready, I called Ms. Joplin in Sparks and told her I planned to start mining on May 3rd with or without the plan. My claim was staked in 1945 which gives me surface rights. FS staff had told me that surface rights had been taken away in the 1960s. I requested a copy of this law from Nick Zufelt, Bob Vaught, Tom Abbey, and Bob Randolph. No copy was ever provided. I also wrote to Mr. Browning with the same results. I contacted Russ Fields and related to him my experiences with FS personnel since our meeting on April 19, 1991.

I am enclosing a letter from BLM regarding the surface rights as an explanatory statement in appendix from BLM as to status of surface rights. The letter is self explanatory. Apparently I do have surface rights as BLM cannot come up with any proof that I do not.

April 29, 1991

I left for Austin to get the Plan of Operation and to turn over the Valley Bank CD for \$3,500.00 to cover reclamation bond required by the FS. After reading the report by the environmental group, I found conflicting statements making it impossible to be done. Example: The geologist said the old cabin placed on the property in 1975 had to be removed, and the archaeologist said it was a historical building and must remain. The cabin was the first one built at the Lucky Boy Mine in approximately 1905 and I moved it to Marble Falls in 1975.

FS personnel say they want to preserve historical sites, but I was told to bulldoze an old hand drilled tunnel shut. Such tunnels are a real show piece.

I requested permission to build a wooden building 16' x 24' to be used for storage and repairs for my tractor. I had planned for a concrete floor. Ms. Joplin said to use the burro barn that had been built from scrap lumber without any floor. The building was built

to protect the burros from the hot sun and the cold winds and it is only 8' x 14' with a division in the middle to provide storage for food for the burros. The building would give no support for jacking and keeping parts clean nor would there be support for hoisting heavy parts. I brought these things to Ms. Joplins attention. Her comment was to take the tractor to Gabbs. There is no facility to do the work in Gabbs. It cost me \$603.00 to move my tractor to my shop in Hawthorne for repairs. It took two days to make the trip.

This again shows their total disregard of consideration of me. By now you should see their disgusting method of harassment.

A contrast in thinking is shown by FS personnel that says a building must be at least 50 years old to be of historical value. I was told that the burro barn, built in 1977 must remain, and the cabin I started building in 1975 must be torn down if I vacated the property. There has never been any controversy about my not having a permit to build the burro barn, just a big fuss because I don't have a written permit for building the cabin. I wish someone would explain FS thinking on this subject.

Ray Belardi, State Health Inspector for this district and Rick Reighley, Health Expert, arrived at 11:45 to inspect the cabins sewer system. According to Mr. Belardi, Ms. Joplin had called and stated that the sewer system did not meet requirements since there were no leech lines and it was contaminating downstream users. There are no downstream users and the nearest neighbor is 14 miles away. The men were impressed with the system I had planned for the sewer.

Dave Young from FS law office called for an appointment. We agreed on 9:30 a.m. on Friday. He said there could be a serious problem but he could not talk about it on the phone.

Dave Young, Special Investigator for the FS and Ranger Larry Raley of Austin FS arrived. Mr. Young said the problem arose from a letter that I sent to BLM in Carson City asking for permission to cross BLM land to get to Ottawa Springs to develop the spring for wildlife but, I would not ask FS permission to cross 500 feet of forest land because of the harassment FS personnel had given me when I requested permission to develop Jacks and Aldrich Springs in 1990. Mr. Young made a big deal out of the request I'd written to BLM and wanted me to sign a form stating that I knew I was wrong in doing so. I refused to

sign.

I asked that the meeting be taped or notes taken. He said he had no taping equipment, but he was making notes. I asked Mr. Young just what was his title. He said he was a Special Investigator for the FS but, he also expected and required FS to follow rules and laws. I told him about some of the problems I 'd had, but he was not responsive to my questions.

The FS makes a big deal claiming they are doing everything possible to help wildlife. This is an out right lie. I have kept this spring (Ottawa) and other springs in the area open for wildlife for over 50 years and they came to arrest me for attempting to keep this spring open for wildlife. This spring is four miles from my mining property and is of no value to my mining interests in Marble Falls Canyon. If this work would have been contracted out it would have cost FS at least \$2,500.00. Dave Young would not give me a copy of notes he made during the meeting.

Mr. Young wanted to see Ottawa Springs, he also wanted to see the mine. I had kept Ottawa Springs running for 45 years but, the last cloudburst made it too much for me now that I'm 77 years of age.

I took Dave Young and Larry Raley to see Ottawa Spring. I drove my own vehicle to Gabbs so these two incompetents would not have to return to Hawthorne to get to their home bases. I lost another day of work because of their actions. Later I realized they wanted to see the Spring to be sure I had not already done the work, in case I had they would have arrested me. They acted pretty disgusted with the outcome. Mr. Young was carrying a gun and handcuffs. One wonders where he gets his authority to carry a gun.

March 15, 1992

Maureen Joplin called for a meeting with FS inspectors on April 28 and 29. Ms. Joplin said she would call me in two weeks to let me know for sure. Ms. Joplin said she, Mr. Zufelt, Mr. Abbay, and Mr. Randolph would be coming to see if the mine qualified for Patenting but, no minerals will be taken.

Maureen Joplin is saying she would call me in two weeks and let me know when they were coming. Two weeks would be the 29th and they plan on arriving on the 28th. In other

words they do not plan on notifying me of their arrival until after the fact.

March 17, 1992

While I was in Reno on a business trip, I stopped to see Dave Young. I asked him about Mr. Raley trying to force me from living on the property during mining season. FS threatening me with eviction if I tried mining without a Plan of Operations and several other abuses by FS personnel. He said, "Get a lawyer.". To me this was a disgusting statement. Dave Young, as a Special Agent, is supposed to see that all interests are protected. His job should be eliminated if he will not represent the public also. His pay comes from public tax dollars.

April 15, 1992

I sent a certified letter to Maureen Joplin to see if the team was coming on April 28 and 29 for inspection of the mine patenting. I requested a return receipt. I sent the letter because time was getting short for me to get persons present for April 28 and 29. Ms. Joplin and others promised me a week to ten days notice prior to any meetings. Deceit seems to be a FS trademark.

April 23, 1992

Peggy came to the mine but, she had received no phone call nor had she received a letter from Ms. Joplin to confirm the meeting on April 28, 29.

April 26, 1992

I received a letter sent by express mail stating that Maureen Joplin and the team would be coming on the 28th in the afternoon. This was the first message I had received after sending the letter on April 15. In our conversation on March 15, she had promised a two week notice. I had asked some people to attend the meeting so that I would have some witnesses. I immediately called Mr. Strachen, my geologist, Merl Richard, and Paul Iverson of NDM. Mr. Strachen was on a job and couldn't come, Mr. Richard was in Elko on business, Craig was in Reno, and Mr. Iverson could not come until later. Mr. Iverson

said he would call Bull Durbin, Department of Geology, in Winnemucca. Ms. Joplin caused a big problem by not keeping her word and giving me two weeks notice. This is the third time she has pulled this trick.

April 27, 1992

I tried to reach Ms. Joplin in Sparks and learned that she and Mr. Zufelt were gone and no one seemed to know where. I called Dale Flannigan, Chief Ranger in Austin. He said he knew nothing about the inspection. Mr. Flannigan said he would call back at 3:00 p.m.. I received no call. I called the ranger station and the lady that answered said he was gone and no one knew where he was. I called the Bridgeport, California office. The person that I talked with said they would find out where the inspection team was and call me back. I never got a call from the Bridgeport office but, someone in the Austin FS office called to say the team was in southern Nevada and still planned to be at Marble Falls the next day. I asked if there was a phone where I could reach the team. The answer was no. It is apparent FS does not want me to have anyone present when meeting with them. It was quite important for me to have a geologist present for the mineral sample taking of my choice. More so since I had found out how untruthful FS employees proved to be.

April 28, 1992

At 2:40 p.m., Tom Abbey and Bob Randolph, geologist from Region Four office in Ogden, Utah, along with Maureen Joplin and Nick Zufelt from the Sparks office of Toiyabe Forest Service arrived for the inspection. I told them about the problem caused by not hearing from them in advance as I had been promised. They were not concerned but, stated that due to the lateness of their arrival, they wished to get on preparing for the next visit which would be the actual mineral examination. FS officials did not and would not listen to my complaints of not being notified of their late arrival.

Fortunately, Bill Durbin had arrived about 10:30 a.m. and I asked him to take notes, which he did. Durbin is an employee of NDM.

All of us went to the mine. Mr. Abbey and Mr. Randolph made quick inspections of the Victory and Paiute workings. Mr. Abbey asked about the lay of claims for patent.

I pointed out corners of both, About 6:00 p.m. we all returned from the mine. I asked who would be on the team for the mineral examination. He said probably Ms. Joplin and he would conduct the mineral examination. I requested that Ms. Joplin not be on the team. Mr. Zufelt said very bluntly that she stays. This shows that Maureen Joplin is running the whole show.

April 29, 1992

Members of the team arrived at 9:40 a.m.. I invited them into the cabin to discuss problems I'd had with FS. I asked about surface rights at Victory and Victory #1 through Victory #3 since they were staked before July 23, 1995 which gave me surface rights. Mr. Randolph said I didn't have surface rights because BLM removed them through determination procedure. When Mr. Randolph told me this I knew it was not true because the BLM was not aware of my claims in Marble Falls prior to 1976 when recording claims became mandatory. When I mentioned this, Mr. Randolph looked at Mr. Abbay and said, "We'd better look into this further". Mr. Randolph then agreed he would look into it and send me a statement of his findings. (Incidentally, no statement has ever been received from Mr. Randolph).

The conversation led me to believe that these two people either did not understand the law, or were intentionally trying to deprive me of my rights if ignorance on my part would allow it.

When Mr. Randolph made the statement that my surface rights had been taken by determination, I ask if such an action would not constitute a taking. I reminded them that I had never received a payment for just compensation. At that point Tom Abbay seemed to become uncomfortable with our conversation and suggested that such questions be discussed either at the district or supervisor level. I then explained that I had in the past, been put off by district leaders.

I have been trying for two years to get something in writing about surface rights. Mr. Abbay said my problems with the FS lie with Mr. Zufelts's department in Sparks. Mr. Zufelt said he would talk with District Ranger Flannigan in Austin and make arrangements for the two of us to meet with Paul Iverson of NDM to see if the complaints could be

resolved. I had been promised such a meeting before but it never happened. I heard nothing further about any meeting to settle my complaints. We continued on to the Paiute workings. Some time was spent examining old workings. We then went to Victory where Mr. Abbay and Mr. Randolph made a few minute inspections. The FS crew left after a few short discussions. It seems that the purpose for their visit was to let me know that the FS personnel were going to do the mineral examination rather than BLM.

When I was planning for the patenting, I wrote to Bob Vaught, Chief Ranger of the Austin FS District and asked if there was anything he could see that would prevent me from obtaining a patent. He said, "No, but I should talk with members of BLM since they would be doing the patent work, including the mineral examination." Evidently they did not want Mr. Vaught to know FS would be doing the mineral examination instead of BLM.

When Mr. Vaught, Mr. Raley, and Ms. Hart came to the mine on February 22, 1991, in regard to the Plan of Operations, I again asked Mr. Vaught if I should proceed with the patenting of claims and he said yes and to move as quickly as possible because Congress may succeed in cutting off patents.

I wrote to BLM and asked about the patenting. BLM said they would be doing the patent work including the mineral examination. Knowing the character of Ms. Joplin I would have preferred BLM doing this work.

June 2, 1992

I called Tom Abbay last week asking when the team would be taking mineral examination samples. I wanted Don Strachen, a geologist, to be there when it was done. Don's fee is \$350.00 a day. Bob Randolph called today to say I could pick a day.

June 16, 1992

I received a letter from Jim Nelson, Sparks Office, saying the Assay team would be here on Tuesday, Wednesday, and Thursday, beginning on June 22. I had been told that I could pick a day for them to actually take their samples. I called Mr. Randolph to verify the day samples would be taken so Mr. Strachen could be present. He said Wednesday, June 23.

June 17, 1992

While I was in Gabbs, I saw FS vehicle with personnel and went to ask if they were on the way to my mine. The man in charge said they were going to Austin Gold Ventures property near Austin. I questioned him about my surface rights. He couldn't give me an answer but, said he would look into the matter and let me know. I never saw the man again or heard from him in any manner. FS sure do not want me to press the surface rights issue.

June 22, 1992

At 10:15 Ms. Joplin arrived and asked where Mr. Abbay was. I told her I had not seen him. She went back to Gabbs to look for Mr. Abbay. They returned about 12:30 p.m.. I had gone to the mine so they came up. Ms. Joplin said Mr. Abbay wanted to examine the survey of property; by surveyors; especially the corners. Mr. Abbay wanted to know when Mr. Strachen and Bill Durbin would be there. I told him Mr. Strachen would be there tomorrow as agreed to on the phone. Mr. Durbin would be there on Thursday. I saw Ms. Joplin taking notes and asked for a copy. I never did receive a copy of the notes taken.

Ben and I followed Mr. Abbay and Ms. Joplin to the Paiute claims where they wanted to check on surveyed corners. They came to the cabin about 5:30 p.m..

June 23, 1992

Tom Abbay and Maureen Joplin arrived at 9:00 a.m.. Ben and I were working at the mill. Mr. Abbay said he and Ms. Joplin would do some checking with Brunton Surveying Instruments. Ben and I stopped the mill at 1:30 p.m. and began getting the compressor ready for the next morning. I set up a small air chisel to make sample taking easier. Mr. Abbay always asked about my mining expense with Ms. Joplin present so that he would have a witness to my answers. I gave him answers in an estimation and not from actual records. Mr. Abbay said he didn't see how he could finish the examination for patent this week and would probably have to return later. They left about 4:20 p.m.. One could see that Mr. Abbay and Ms. Joplin did not know how to go about taking samples. I had to show Mr.

Abbay how to use the air chisel. One can see how well the FS is organized to take mineral samples for determining values in regards to patenting. Ms. Joplin arrives at the mine but head geologist for FS, Mr. Abbay, stops in Gabbs, 16 miles away. One does not accomplish very much with this kind of management. Questions arise in my mind that perhaps they had planned this snafu.

June 24, 1992

Ben and I were working at the mill when Ms. Joplin and Mr. Abbay arrived. They said they would do some mapping until Don Strachen arrived. Mr. Strachen arrived before they could leave. Mr. Abbay outlined what they would do in making the examination for the patent. Mr. Strachen brought out his clipboard and took notes. Mr. Abbay brought up his interpretation of Prudent Man Rule. Mr. Strachen told Mr. Abbay he thought he was wrong in his interpretation since court cases were different from what Mr. Abbay was explaining. Mr. Abbay was uncomfortable in this new position, and he quickly moved to another subject, saying he was working for the people. Mr. Strachen reminded him he was working for the government. Mr. Abbay then listed several things that mineral examinations required for patenting. One was that specific amount of mineral reserves must be present. Mr. Strachen contradicted Mr. Abbay on that statement. I took Mr. Abbay across the canyon to South Ridge to show him where I wanted samples taken for the mineral examination. We went back to tunnels where Mr. Abbay wanted to take the first samples. I showed Mr. Abbay how to use the air gun. Mr. Strachen and I waited while Mr. Abbay took samples. I asked Mr. Abbay if he was going to give me half of the samples for comparison. He said, "No." He ran off into limestone when taking samples. He said that limestone may carry profitable value. It would be very easy for him to mix waste rock with mineral ore to reduce its value. I questioned him about it in front of Mr. Strachen. He said the bags would be sealed by himself before sending them to the assaying company in Salt Lake. There is nothing to keep him from opening the bags and resealing them. I told Mr. Abbay I saw no reason for running off as much as three feet in country rock in taking the samples. I have worked in mining all my life and I never saw samples taken in country rock. The vein carrying values averages about 8 ft. wide so the only need to run off into country

rock would be dilute the samples.

I had written Bob Randolph asking for a copy of government regulations or FS literature showing I did not have surface rights on the two lode claims I had filed for a patent. He brought a copy of Public Law 167 and said it explained surface rights. I had already read Public Law 167 and it does not explain surface rights. BLM could not furnish proof that I did not have surface rights.

June 25, 1992

Mr. Abbay and Ms. Joplin came for more samples. Ben and I were getting the mill in operation, but stopped to fire up the compressor for the air gun for Mr. Abbay. Bill Durbin from NDM arrived. He and Mr. Abbay talked over the plans. Ben and I stayed until sample taking had begun and we returned to the mill. I told Bill I was turning the ore sampling over to him and to watch for my interests. Mr. Abbay and Ms. Joplin are very slow and they left around 3:45 p.m..

Mr. Durbin came to the cabin after FS personnel had left to discuss Mr. Abbay comments to him. Mr. Abbay's main point was that if the assays were not good enough to go ahead with the patenting then the application could be withdrawn and revert to the status of the claims before application for the patent. Mr. Abbay further stated that if I were to contest the patenting decision, the FS would declare the claims null and void. According to Mr. Abbays analysis as a geologist, the mine was mined out and the vein in the Paiute and Victory did not connect also, there was no more ore on the property and the property did not qualify for patenting. Here is a geologist who does not know how to run an air chisel and has been on mining claims about 18 hours and he says there is no ore left for qualifying the mine for patent. In mining the high grade ore values in excess of 2 oz. per ton, I have

blocked out over two thousand tons averaging .67 oz. per ton of AU+12+ oz. of silver.

The PD drill hole and Graubargers geology report along with Don Strachens report proves otherwise.

Don Jennings' geology examination done in the 50s and 60s in addition to the outcropping 1500' east of PD2 shows the vein extends past Victory and Victory #1 Lode

Claims. The value on outcrop runs about 1/2 oz. of gold and 5 to 10 oz. of silver. Geologists believe values will pick up considerably by drifting. This showing is about 500 feet east side of the center of Victory which seems to show that the vein material passes through Victory claim to the East.

June 26, 1992

Mr. Abbay and Ms. Joplin arrived at 9:10 a.m.. Ben and I were working at the mill. Mr. Abbay has wanted the mill in operation. He asked questions to get information to figure the profitability of operation. Mr. Abbay and Ms. Joplin wanted to check data at the mine on samples they had taken 3 days prior. After lunch I saw them going to the South Ridge. They came to camp at 3:00 p.m. I asked how many samples they had taken at South Ridge. Mr. Abbay said, "Four" They had no air for air gun on South Ridge. He had to use a pick so I doubt he took any true samples in a fair manner.

June 29, 1992

I went to see where Mr. Abbay had taken the samples from. I could not find any place where a sample had been taken. It will be interesting to see what results show and the pictures he takes showing area of samples.

July 9, 1992

While in Tonopah filing mining claim assessment papers, I stopped in at the FS office and asked if a Plan of Operation was required on a one man operation doing underground mining. The Chief Ranger said a plan of operations was not needed as long as I was not disturbing more than five acres. Quite different than requirements for Plan of Operations in Austin FS district.

July 29, 1992

I received a letter from Elaine Lewis from BLM office in Reno regarding a letter I had recently written requesting a copy of verified statements BLM claims I made regarding surface rights on Victory, Victory #1, #2, and #3 on March 20, 1961. The letter stated that

BLM could not furnish correspondence on case file #NEV-056195-VS-3 since it was sent to Federal Records section in San Bruno, CA, in January 1967 and was mistakenly destroyed. Prior to my last letter when I was in BLM office in Reno, I got a copy of same serial number in which surface rights were recognized by BLM.

August 17, 1992

I mailed a certified letter to USFS Region 4 in Ogden, Utah, regarding records they may have on surface rights. I had asked Mr. Abbay to inquire about this subject on June 29, 1992 before he left at the time of mineral examination. He said it would be necessary for him to return because he had not taken any mineral samples from the Paiute workings which is on Victory #1 claim. He promised to return the first week of August. I have had no word from him.

September 3, 1992

Paul Iverson of NDM called to tell me he had received a call from Maureen Joplin stating that Tom Abbay wanted to set up a meeting with me for September 17, 1992. I've had no contact with Mr. Abbay since June 29. I called Ms. Joplin and requested the subject matter be stated in a letter. She said she would tell Mr. Abbay about my request. Why did Ms. Joplin call Mr. Iverson when it was Abbay who wanted the meeting? I had sent Tom Abbay a certified letter with a return receipt requested but had heard nothing from him. He promised to have the results of the assay back in 10 days or two weeks when he took the samples on June 29, 1992.

September 14, 1992

Ms. Joplin telephoned to ask if I had received a letter concerning the meeting. Peggy told her I had not received any correspondence from Ms. Joplin. Ms. Joplin said she would check back in the morning and if no letter had arrived she would fax one. I called Mr. Abbay about 2:30 p.m. to tell him I could not meet with him on the 17th due to a previously scheduled meeting. I inquired about the contents of the letter and was told I had to wait for the letter.

It is quite apparent Tom Abbay and Maureen Joplin are two of the most deceitful people I have ever had to deal with. Mr. Abbay is saying here that the letter is FS property and he cannot divulge its contents. Why not, I may ask, as I paid a cash fee for the mineral examination.

Mr. Abbay and Ms. Joplins' word is worthless. On June 26 both of them said I should be receiving results of the assays taken by them in 10 days to two weeks. As of this date I have not received any results of the mineral assays, although I have asked for the results in writing also, by phone conversations.

September 15, 1992

Mr. Abbay requested the meeting be postponed until the week of September 28. I told him I would let him know if I could get my party together at that time. I asked why he had not answered my certified letter dated August 29. He said he just neglected to do so. By not answering my letter Mr. Abbay is saying he does not have an answer or he is using the answer to further delay any meeting that would be embarrassing to FS.

September 20, 1992

Paul Iverson and Linda from the Department of Minerals, Carson City Office, arrived at 3:20 p.m., along with Merl Richard and his wife. Mr. Iverson brought Mr. Richard along as a witness to the meeting and to hear Mr. Richards advice. Mr. Richard has had considerable experience dealing with problems with BLM and the FS.

Mr. Iverson came to advise me of a meeting he had last week with FS in Reno FS headquarters. His main point being that I should put the patenting on hold for a year or more. FS claims I do not have enough to show a valid discovery. This ruling was not a surprise to me. It is evident they had this planned from the beginning.

Mr. Iverson also said FS was mad as hell at me. Someone in FS, according to Mr. Iverson, said "Get the old son of a bitch out of Marble Falls Canyon". However, Mr. Iverson says, there are those in FS who want me to stay because I have been a good tenant of the land and take excellent care of the wildlife by providing water. Mr. Iverson also mentioned that I had done a good job of restoring the old stone cabin built in 1876. Meeting ended at 6:30 p.m..

September 21, 1992

After thinking back over the meeting with Mr. Iverson I find myself doubting his motives. He suggested I go back to FS begging to get back into their good graces. I cannot figure this one out. It seems to me that FS should apologize to me for all the problems they have caused. For years I have tried to get along with the demands made by FS and found out the more you bend to their demands, the more demands they make.

I now suspect Mr. Iverson was asked by FS to visit with me to get information for them. Several statements Mr. Iverson made do not add up to any good for me. I know Jim Nelson, District Supervisor of Toiyabe National Forest in Reno and Governor Miller are buddies. Russ Fields was appointed to head the Department of Minerals by Governor Miller, thus, Russ Fields is going to do what Governor Miller wishes.

Paul Iverson is the person Russ Fields would use to get information from me as Mr. Iverson is well acquainted with me and knows of my problems with FS. On several occasions Tom Abbay said he had been talking with Paul Iverson, because he could not reach me at the mine. On one occasion I called Mr. Iverson at NDM but failed to reach him as he was out. I asked his secretary if she knew if Mr. Iverson had contacted Mr. Abbay lately about the patenting problems. She said Mr. Iverson had several conversations lately with Mr. Abbay concerning my problems. When I add all these happenings up I become very suspicious about Mr. Iverson's visit to me.

Another thought, why did Mr. Iverson come to see me on a Sunday? He knew FS offices in Ogden, Utah would be closed and Mr. Abbay could not be reached. I hate to think Paul Iverson would conspire against me or anyone through the Department of Minerals as it is revenue from the miners claim fees that pay his wages.

September 22, 1992

Mr. Iverson called from the Department of Minerals. He had composed a letter to Mr. Abbay asking for the patenting procedure to be put on hold for one year. He wanted me to state in this period of time that I would give more new data on the mine to establish discovery to FS satisfaction. This I cannot do. It would be interpreted by FS that I was admitting I did not have a valid discovery. He requested a copy of Ms. Joplins referred letter in phone conversation

regarding meeting scheduled for Sept. 17. I received this letter on Sept. 18 and saw that it was post stamp dated for Sept. 16. Jim Nelson (Toiyabe Forest Supervisor), had signed it on Sept 7. Why was it not mailed until Sept. 16? Apparently they did not want to give me time to get my advisors and witnesses together for the meeting. FS has used this tactic often in their dealings with me.

September 23, 1992

Mr. Abbay returned my call to say the meeting for September 30 was OK. He also said there would be no problem to holding up the patenting procedure for up to two years. Mr. Abbay and I decided on a meeting in early November if I requested such a meeting and could withdraw the patent application later if I wished to do so.

I asked for a copy of the assays he had taken in the mineral assessment. He said he could not give me a copy as it was strictly FS property. FS did not answer my letter requesting a written statement concerning patenting if I did temporarily withdraw the patent application.

I requested a written statement from the FS giving me permission to mine the area where the assay samples were taken also, that there would be no more charges for requesting patent if I chose to temporarily withdraw the application for patent.

I received a phone call from a friend in the FS advising me that there had been a meeting of FS personnel of Reno district office discussing ways to get me out of Marble Falls Canyon and that one of the supervisors in one discussion said, " I don't care how you get the old son of a bitch out of Marble Falls Canyon." This statement does not surprise me as the FS has been trying to get me out of Marble Falls Canyon for over forty years.

I called Tom Abbay in Ogden to ask that a meeting scheduled for Sept. 30 in Fallon be postponed until late October. Mr. Abbay was out so I left a message asking that he return my call as soon as he came in.

Paul Iverson called at 8:50. He was composing a letter for me to send to FS requesting an extension. He needed a copy of Ms. Joplins letter sent on Sept. 16 for reference. I agreed to send him a copy that day. Mr. Iverson ended our conversation quickly as Mr. Abbay was on another line waiting to speak with him.

A few minutes later Mr. Abbay called, I informed him of my lawyers delay due to a

friends sudden death. I also informed him that my sister was critically ill and I may have to go to her. For these reasons I was requesting a postponement of the Sept. 30 meeting until late October.

Due to a conflict of FS meetings scheduled in October we agreed to meet the first part of November, the specific date to be confirmed later.

Mr. Abbay mentioned he had spoken to Mr. Iverson concerning a temporary hold of the patenting procedure. Mr. Abbay indicated there would be no problem in holding the procedure for up to two years. At the end of that time I would have to continue the procedure or withdraw my application as BLM did not want to further delay the patenting of claims.

I once again requested a copy of the assays he had taken and was told again that this was FS property only. I also requested permission in writing that, FS allowed me to continue mining in areas where samples had been taken and that no more costs would be incurred in requesting patent request to proceed.

Sept. 24, 1992

Peggy and I left Hawthorne for the mine at 8:00 a.m. Although Peggy had injured her back and could not do much, she loved being at the mine and had not been there for some time. She missed the peace and quiet and the animals she fed. We did work around the cabin and in the garden.

November 1993

I called Mr. Frye at FS at 8:15, he was at a meeting in Gabbs with Mr. Abbay. A person named Froilli said Mr. Frye and Mr. Abbay were going to lay out plans for a final mineral examination. I asked why I had not been notified of this. She replied that Ms. Joplin had notified me of Mr. Abbay visit on the 2nd. This was not true. Ms. Joplin had talked to my wife while I was away at the mine for a few days but was supposed to call back to speak with me. She did not call back. Once again Ms. Joplin had arranged things so that I would not have witnesses prepared for the taking of samples. Ms. Froilli said she was taking Mr. Raleys place and would be in on the mineral examination as well. I asked her to try to contact Mr. Frye and Mr. Abbay and inform them that I would come back to the mine. I wanted to be there

for the taking of samples for patenting to be sure it was done properly.

I called my lawyer (Mr. Mackedon) and told him what had happened. He advised me to go back to the mine, taking a letter he had written to Mr. Flannigan at the Austin FS and show it to Mr. Abbay. I received a call from Ms. Froilli to say she had contacted Mr. Abbay and Mr. Frye in Gabbs. I left immediately for Gabbs.

I met Mr. Abbay stopped on the side of the road while driving to the mine. After initial greetings he said that there was mass confusion in Austin and Reno on the handling of the Marble Falls Mine patenting procedure. I pointed out that FS confusion was costing me time and money. He said he understood but, could do nothing about it. I asked why he did not call me to confirm phase two of the mineral examination. He replied that Ms. Joplin had told him everything was set up. I told him emphatically that my treatment by the FS had to be stopped and that I intended to see that it was!

I stopped at the Gabbs Sheriffs Office to ask the Deputy to come to the mine. He arrived while I was there, along with Craig Raymond. He and Mr. Abbay had quite a conversation while I said very little except to correct Mr. Abbay on a few points. Mr. Raymond put in some description of FS treatment of me and mine. Mr. Abbay once again mentioned the mass confusion of the FS to the Deputy. This discussion centered on FS problems between Mr. Abbay and the Deputy. I mentioned that the \$18,000. I had spent to get a patent for the mine was money thrown out the window. Mr. Abbay said "What do you mean thrown out the window?" I said it appeared I was not going to get a patent for the mine so my time and money was wasted. He said "Don't be so sure." I took this statement as a form of placating me.

I told Mr. Abbay that Bob Vaught had told me BLM would do the mineral examination and I should contact BLM for full demands of patenting. I did this, yet FS moved in all at once and said they would do the patent mineral exam. Mr. Abbay said he did not see this letter. It is evident that FS was intent on me not gaining a patent to the mining claims. I mentioned to Mr. Abbay that he and Bob Randolph were present in our cabin at the mine when Nick Zufelt promised to have a meeting set up with Mr. Flannigan and myself to air grievances with FS. Mr. Zufelt has never contacted me in any way concerning such a meeting. This indicates deceit and arrogance towards myself by the FS. Apparently Mr. Abbay and Mr. Randolph go along with this practice as they have not intervened to stop it.

6. Three additional years have now passed. We are now nearing the end of 1996. We have not yet received a patent. Forest Service personnel continue to harass us. They are not following the law which directs them, yet we have had no help from any elected official.

Forest Service personnel are no longer being held accountable. Like most agencies, the Forest Service has grown too large and too powerful. They lie and cheat, and they do as they please.

In recent years, it has become obvious, Forest Service personnel want more land, not less; and through land trades or outright purchases they have been getting most of that which they want: their land holdings have been growing yearly. In addition, they have been dragging their feet on every patent application pending. It has become obvious, they will never allow a patent process to go forward unless someone forces them to follow the law. And at this time it appears that no one is interested in seeing that they follow the law.

FURTHER AFFIANT SAYETH NAUGHT



L. E. MCKINNEY

Subscribed and sworn

before me this

12th day of November, 1996.



Notary Public

