

Letters to the Editor

Editor's Note: Opinions expressed in the letters used by the *Free Press* are those of the writers and do not reflect opinions held by members of the newspaper staff. Only signed letters will be printed; and lengthy offerings (more than 300 words) are discouraged. Those wishing to see their letters appear unedited are advised to pay attention to the above request. Letters should include the daytime phone number of the writer so the newspaper can verify authorship.

Editor:

Did you catch the paradox Secretary Babbitt presented in your May 3 paper?

Why would he proclaim mining patents a giveaway of public resources on page 14 but propose to trade them away on page 18?

If Barrick needs these 1,278.64 acres of public land for legitimate mining operations, why don't they follow standard claiming procedures?

Is Barrick trying to privatize the property to avoid federal regulations or future royalties?

Who suggested to Barrick that the BLM wanted the land below South Fork Dam and would gladly make a trade of valuable public resources?

Is Barrick being coerced into this purchase/land trade?

Is there a conspiracy to make this occur?

Who was the previous owner?

Who was the realtor?

Was there any elected officials involved?

Will any Nevada state statutes or ethics be violated?

How could it be in the best interest of the people to trade away 689.68 acres of private tax base in exchange for future payments of approximately 10 cents on the acre in PILT's?

If elected official(s) are involved, will you be foolish enough to re-elect them?

If state laws are broken, will you have enough courage to demand the violators be prosecuted?

If PLUAC were to ask these questions in a fact finding mission, would it upset certain members of the county commission?

Do you think PLUAC could get truthful answers to these questions, without requiring sworn testimony

be given with a court recorder present?

Brad Roberts
Elko

DATE: JULY 9, 1996

TO: PLUAC

FROM: BRAD ROBERTS

RE: INDEPENDENCE MINING COMPANY, INC. - MARY'S RIVER
LAND EXCHANGE

Chairman Gustin:

Reading the May 10, 1996, edition of the Elko Daily Free Press about the IMC public land swap, I became curious about the statement that an environmental impact statement covering the proposed swap was released in April 1995. As a PLUAC member at that time, I could not recall seeing such a document.

As you are aware, I approached PLUAC on May 14, 1996, questioning the existence of such a document and if the proper notification procedures had been followed. At that time, I was assured by PLUAC member, Jim Collord, that such a document did exist and he was sure all procedures had been properly followed. He also said he would provide me with copies of that information.

Having not received any information by June 18, 1996, I decided to do some followup research.

I first visited the Elko BLM office and requested a copy of the desired EIS, a copy of the record of decision and a statement of the dates of the finalization notification.

I subsequently received a copy of the Environment Assessment and a note that the Public Notice was printed in the April 13, 1995, edition of the Free Press and the information was sent to all affected parties, local and state governments, etc. on April 12, 1995. I was also informed that an EIS had not been written.

A review of the April 13, 1995, edition of the Free Press showed the Public Notice. However, a visit to the Elko County Manager's Office found they had no record of receiving an EA. Mr. Boucher assured me that when such documents arrive, all interested parties (PLUAC, County Commissioners, etc.) would have received copies through his office.

A visit with Adella Harding, the reporter with the Free Press, revealed that she had made a mistake in the news article calling it an Environmental Impact Statement rather than an Environment Assessment. It should be noted though, that none of the involved parties made any attempt to correct or rescind the misleading statement and in fact, Mr. Jim Collord affirmed that all was correct in this matter.

If it is an EA or an EIS, is insignificant at this time. However, in my mind, it raises a variety of questions.

I have attempted to categorize some of these questions.

I. Procedures

1. Was the NEPA process followed to the letter of the law?
2. Were all state and local ordinances followed?
3. Was PLUAC and/or Elko County provided copies of the draft EA as required?
4. Was PLUAC and/or Elko County provided copies of the final EA?
5. Was local government made aware of all aspects of the land exchange?
6. If the record of decision was made on April 3, 1995, why was the EA not made available until a later date?
7. What could be gained by affected parties by having a record of decision made prior to the release of an EA?

II. Contents of the Record of Decision

1. The Record of Decision was signed on Monday, April 3, 1995, before the release of an EA. How could Mr. Harris properly make his decision based on information in the EA if it had not been released?
2. The public is provided an opportunity to comment or object after the record of decision notification. Wouldn't this be a wasted effort since the record of decision has been made and clearly states an environmental impact statement will not be prepared?
3. Gold mineralization exists in certain lands acquired by IMC. If these lands were properly appraised, why is the exchange rate 3.45:1 acre in favor of IMC?

III. The Environmental Assessment

1. Remember, the EA came out in April 1995. It states on Page 1-4 that the Board of Elko County Commissioners took action to be in favor of and to support the proposed land exchange. How could they know the full force and effect of the exchange if the EA was not available to them?

2. With the Elko County Board of Commissioners opposition to Federal Agency control of water and LCT, why would they approve of such an exchange if this information was made available to them?
3. (Per Table 3-14) Were the Elko County Commissioners made aware of the lost jobs and revenue associated with the total reduction/non-use of available AUM's that will occur on the Hawks Ranch after BLM acquisition?
4. Could the loss of jobs be considered a significant impact on the human environment?
5. If gold mineralization was properly appraised, why is there no mention of this resource in Table 3-1; Summary of Key Resource Values - Selected Lands?

IV. Other

1. The Hawks River Ranch was property desired by the U.S. Forest Service and the BLM. Were the Hawks Ranch owners regulated by the agencies into a position where the only economical viable alternative was to sell the property?
2. Who introduced this particular land purchase/exchange concept to IMC? Was it the BLM?
3. Why would IMC know what additional lands to acquire in the exchange, thereby acquiring properties that will be exchanged to land owners who own parcels desired by the Federal Agencies, hence making a third or possibly a fourth trade to allow the agencies to obtain ownership of the privately held lands they now wish to own?
Example: Ruby Valley and T Creek parcels.
4. Was there collaboration or collusion between IMC and the BLM?
5. It appears that IMC had a profit of \$52,000 in this exchange. Under NRS 321.5983, would IMC be obligated to the State of Nevada for this amount and would any profits they receive from mining and other activities be due the State of Nevada?
6. Since this transaction did not receive the approval of the state land registrar, is it void as described in NRS 321.5983?

I believe that PLUAC should make an effort to find the answers to my questions and to others they may have. I also believe they should advise the Elko County Board of Commissioners to use restraint in approving any future land exchanges until the EA or EIS is published, fully reviewed and analyzed.

PLUAC has had a long standing policy on land exchanges. The policy was constructed to give the County Commissioners sound guidelines in approving land exchanges. It is apparent that this policy was not followed in this approval. It should be used as a guideline in all future land swap transactions.

321.5983 Unauthorized disposal of public lands void; state authorization required for use, management or disposal of public lands; injunctions; action to recover consideration received from unlawful disposition of public land.

1. Except as it is authorized pursuant to NRS 321.5973 or except as it may be authorized by the state land registrar pursuant to any authority conferred upon him by law, any sale, lease, exchange, encumbrance or other disposal of any parcel of or any interest in the public lands is void.

2. Any person who intends to perform or who actually carries out any act with respect to the use, management or disposal of any of the public lands under color of any statute, ordinance, regulation, custom or usage of the United States or otherwise, shall obtain written authorization from the state land registrar approving or confirming any such act, which authorization shall be given only to the extent it is authorized under the laws of this state.

3. Any person who does not obtain written authorization from the state land registrar as required by subsection 2 may be enjoined by the state land registrar from attempting to perform or continuing to carry out any act respecting the use, management or disposal of any of the public lands in any court of competent jurisdiction of this state within whose jurisdiction any of the affected public lands are located or the person resides.

4. Any person who receives any money or other consideration for any purported sale or other disposition of any public land which was made contrary to the provisions of NRS 321.596 to 321.599, inclusive, is liable to the state for that money or for the value of any other consideration. The money may be recovered in an action brought by the state land registrar in a court of competent jurisdiction of this state within whose jurisdiction any of the affected public lands are located or the person resides.

(Added to NRS by 1979, 1366)