

Presentation to
Elko County Federal Lands Use Advisory Board
by Cliff Gardner
Jan. 13, 1994

Mr. Chairman;

I am here this evening to ask that this board make the Elko County Commission aware of the seriousness of the currently proposed land exchanges - specifically the Hawks Ranch land exchange and the Barrick Goldstrike exchange.

Its no secret that Federal agents are forcing the mines to buy land for them.

Proof is evident, ranching and mining is being attacked, their operations devalued. The Federal Government is determined to block up large tracts of land, and suppression is part of the strategy used to accomplishing their goals.

Before your next regular meeting I will have a deceleration of fact prepared for presentation to this board - testimony and information that will point out the need for investigation of possible fraud and extortion.

Until then I would like you to consider possible legale violations. Article 1, Section 8, of the United States Constitution reads:

"The Congress shall have the power to exercise authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;..."

Before any land exchange is allowed it must be determined if such activity is lawful.

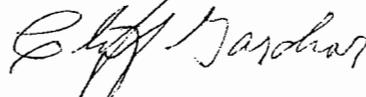
In addition, there is also the question of assessing all possible adverse environmental impacts. I ask that the County call for the completion of a Environmental Impact Assessment.

And too, what about Secretary Babbitt's refusal to allow the BLM to proceed with mine patenting, shouldn't the County file an amicus as a friend of mining in the Barrick case? And what about NEPA compliance? Has Secretary Babbitt completed an Environmental Assessment in regards to such action?

Is the County going to allow these kinds of practices to go unchallenged? I urge this board to do it's part to see that it dose not.

Respectfully submitted

Cliff Gardner



Cliff Gardner
Jan. 17, 1994

*this letter was
mailed to the
Commission on
Jan 19th.*

Board of County Commissioners
Elko County Courthouse
Elko, Nevada 89801

Mr. Chairman and Commission Members;

The purpose of this letter is to call your attention to the seriousness of currently proposed land exchanges.

Its no secret that Federal agents are forcing the mines to buy land for them.

Proof is evident, ranching and mining is being attacked, their operations devalued. The Federal Government is determined to block up large tracts of land, and suppression is part of the strategy used to accomplishing their goals.

Before your next regular meeting I will have a "deceleration of fact document" prepared for presentation to this board - testimony and information that will point out the need for investigation of possible fraud and extortion.

Until then I would like you to consider all possible legale violations. Article 1, Section 8, of the United States Constitution reads:

"The Congress shall have the power to exercise authority over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; ..."

Before any land exchange is allowed, it must be determined if such activity is lawful and dose not violate the separations of powers doctrine - can the Federal government legally own lands within states for any purpose other then for the erection of forts, magazines, arsenals, dock-yards, or other needful buildings - and, can the Federal Government legally purchase or trade for lands within states without first obtaining approval of that states legislature?

In addition, there is also the question of NEPA compliance. Would it not be prudent for the County Commission to take the responsibility of asking for a complete environmental assessment on each proposed exchange?

And too, what about Secretary Babbitt's refusal to allow the BLM to proceed with mine patenting? Isn't such action illegal? Is Secretary Babbitt operating outside and beyond his specific authority lawfully delegated? Under oath of office, is it not

your duty to demand that Federal agents produce documents demonstrating that they do in fact, have the authority to stop lawful procedure for obtaining land patents? Shouldn't the County file an amicus as a friend of mining in the Barrack case?

And what about NEPA compliance? Has Secretary Babbitt completed an Environmental Assessment in regards to such action? I would suggest that the County Commission file a complaint, demanding that the Department of Interior complete a full blown environmental impact statement in relation to such action.

Section (2), (C), of The National Environmental Policy Act of 1969, (NEPA) reads:

All agencies of the Federal Government shall --- include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible officer on --

- (i) the environment impact of the proposed action,
- (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,
- (iii) alternatives to the proposed action,
- (iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and
- (v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of title 5, United States Code, and shall accompany the proposal through the existing agency review processes;

Under 40 CFR, 1506.8;

"Major Federal actions" [as is underlined above, my underlined], includes actions with effects that may be major and which are potentially subject to Federal control and responsibility.

Respectfully submitted
Cliff Gardner

