

15 May 2015 – Friday PM

Subject: **Montanore EIS/Draft ROD Objections & Attachments**

Lynn Hagarty - (for Christopher Savage, KNF Supervisor)
Montanore Project Coordinator (KNF FS & MT DEQ, et al.)
USDA Kootenai National Forest Supervisor's Office (SO)
31374 US Highway 2 / Libby, Montana 59923 - U.S.A.
Attention: Regional Forester USDA Forest Service (RF)
— lhagarty@fs.fed.us (KNF) & jkrueger@fs.fed.us (Reg. 1)
Phone: (406) 293-6211 - Sent: r1_montanore@fs.us.gov

Northern Region, Region 1
Federal Building
200 East Broadway / P.O. Box 7669
Missoula, MT 59807-7669 - U.S.A.
Faye Krueger, Regional Forester
(406) 329-3315 & (406) 758-5243

Re: Provisional "Final" EIS and Errata, Draft ROD – "**MONTANORE PROJECT OBJECTION**" email

Subject at issue both legal and administrative: Montanore Project – *WALL's Formal Objections*

This **Objection** (overview) with its attachments represent ten (10) years of study, ongoing litigation, field forensic evaluations, and archival files of Noranda Minerals Corporation (predecessor and former joint venture junior partner of the current proposed (or purported) operator Mines Management, Inc. d.b.a. "the new Noranda" a.k.a. "Montanore Minerals Corporation" (a name change from "Noranda..."). Also, the background data and supportive information is taken from a relative volume to fill a pick-up truck.

In the interest of focus, continuity and brevity, Frank Wall, Official Objector (hereinafter "WALL") has reduced the data considerably as should be evident. Ed Hayes, staff attorney for the Montana DEQ has been helpful in responding to a recent study by WALL that has given emphasis and rectitude further.

Re (2): FS Project website - <http://www.fs.usda.gov/projects/kootenai/landmanagement/projects>

This Objection is NOT focused on the USDA Kootenai National Forest Service (hereafter "KNF") decision as to the preferred mine Alternative 3. It does categorically **object** to current methods of the preferred transmission line Alternative D-R. – WALL believes that between today and when construction planning actually starts the transmission line can use enhanced new and advanced technology going underground or even (by that time) transmission of the power required can be "wireless" which is DOD classified.

For this categorical objection, WALL offers a proposal. WALL is fully capable of seeking a joint venture with the KNF, the DEQ, the Montana Governor's Office, private concerns as the Stillwater Mine, Optima, Hecla Mining Company, and the eventual operator of the Montanore Mine Project (or "County Mine"). This proposal by WALL could be administered through the U.S. SBIR or STTR program and U.S. agencies.

FORMAL – **OFFICIAL OBJECTIONS** BY FRANK REGINALD **WALL** – UNITED STATES OF AMERICA – CITIZEN

To: Objections Reviewing Officer (via email), USDA Forest Service, Northern Region, 200 East Broadway, P.O. Box 7669, Missoula Montana (MT) 59807 (USA) via appeals-northern-regional-office@fs.fed.us .

1. The legal question before the Forest Service is, "*Where does the adit 'enter cover'?*"

“The first six hundred feet of the Libby Creek Adit goes more or less WNW (or approx. 280° bearing), and it is a **“placer drift”** that actually heads ESE (approx. 100° reversed bearing) **from this benchmark junction to** the Johnstone Placer (**not from** the patent); where the adit actually enters hard rock IS the true adit portal. The true adit (**not drift**) heads at this point over [13,300 linear feet] to just north of Southwest (note, a 240°¹ bearing). Noranda, on a bearing of 280°¹ in alluvial silt or glacial till over 600 feet **had no intent** of exploration tunneling, but rather with an “overhead structure” to *keep appearances* of originating from the “private” Johnstone Placer Patent – **blatantly false!**” Emphasis added. — ¹ **the “drift” and the adit have a 40° delta, radial deviation, and raises a serious question of motive.**

This is significant in that using the 280° (actually 100° “placer drift” bearing) as a baseline reference, and the tangent of the angle delta of 40° South gives a mean deviation of 839.1 feet per thousand, or **11,747 feet offset** over the length allegedly (to have been) driven towards the *targeted* Montanore ore deposit.

Permitting MMC to *break through* the “vertical sheet of glass” (vertical planes representing the absolute “stay out” of entering hard rock off of a placer claim which goes from the surface at the placer property lines to the center of the earth): **Without Bakie/Optima’s permission, Montanore cannot be permitted.**

2. The alleged, proposed “permitted area is not legitimate.”

I have maps of the Noranda Map of Montanore “permitted area” and the MMC alleged “siting area.” – Both are physically of the same character, shape, description and surveyed location on the ground. – Please note, in 2005 and 2006, in writing and in face-to-face meetings with the Forest Service and DEQ, I raised valid issues of the so-called “permitted area” having been publicly abandoned Aug. 2002 by Noranda Minerals Corp., and *with* their mill sites and tunnel sites, registered with the MT BLM being abandoned and relinquished, which is on **all** the records.

On or about 2005-2006 Mines Management, Inc. (MMI) a.k.a. Noranda a.k.a. Montanore Minerals came along and filed illicit mill sites under the abandoned “permitted area” which is the EIS/ROD “siting area” and *not permitted* under the purported “good forever” DEQ Exploration Permit 00150 (perpetuity???), the Lincoln County Montana District Court ruled on March 12, 2013 that the mill sites alleged to be on “non-mineral land” by MMC were in deed and in fact **trespassing** on/over Walter Lindsey’s senior lode mining claims (a.k.a. Libby Creek Ventures™).

This poses a serious problem for the progressive, exhaustive FS/DEQ EIS process in that if MMI/MMC **does not** have a “siting area” that can be permitted as was Noranda Minerals Corp. **prior to their abandonment**, (along with JV junior-partner MMI) and **today** CAN NOT legally be a “siting area” *cum* “permitted area” in light of the numerous prior cautions-and-warnings by me, then **how can** the DEQ issue a permit allowing trespassing?

I have been told by the Forest Service that we cannot revise our bonded exploration program *licensed* by the KNF FS and *permitted* by the MT DEQ until litigation is concluded. Meanwhile, MMI/MMC “plows forth” under color of law with the evident sanctions of the FS—DEQ. Please give me a legitimate explanation on this at your earliest, or recommend denial of the ROD.

3. The property boundaries of the Patent Property have restrictions and are questionable.

I have the original survey notes (c. 1908) and the patent property plat and covenants to the Johnstone Placer and lode patents signed by President Taft in 1909. In a recent phone conversation with Skinner & Associates, surveyor, I was told “everything fits rather nicely” which in my studied estimation and follow-up survey is a *stretch at best*.

I am requesting the Lincoln County District Court for a resurvey, as the Northwest corner (no. 1) has been moved, the Northeast corner (no. 2.) is missing, the Southwest corner (no. 8) is questionable. **Only the Southeast corner** (no. 3) is the bona fide original corner and not (allegedly) “tampered with.” Know that I am eye-witness to what I am declaring to be “beyond a reasonable doubt.” — On the last page of the official patent award Covenant No. 2, it specifically states there exists a vertical “*sheet of glass*” (*a vertical plane extending up/down at boundary*) on the placer boundaries that is impenetrable by MMC:

“SECOND. That the grant of the placer mining ground hereby made, is restricted in its exterior limits to the boundaries thereof, and to any veins, or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, which may have been discovered within said limits subsequent to and which were not known to exist on the twenty-seventh day of July, A.D. one thousand nine hundred and eight.” – THIRD. That any lode minerals are excluded from the placer patent, and FOURTH. That Bakie and others with Bakie can enter the placer patent for purpose of extracting ore.

I have requested of the Forest Service, the DEQ, Mines Management and others for a **legal document** permitting MMC to *break through* this “vertical sheet of glass” that goes from the surface at the placer property lines to the center of the earth. I have been told, “it exists” but years later and to date **no one** has produced *this* document. John, **how can** the DEQ issue a permit allowing obvious trespassing and a breach of these legal restrictions?

- 4. We have been denied processing of our application by the KNF while at the same time the FS and DEQ allow Montanore to proceed on the same ground as our unpatented mining claims. This is a Constitutional issue “equal protection clause” and needs to be honored.**
5. There is an alleged conflict of interest by one of your key KNF staff employees that needs to be reviewed before the project can proceed, and especially before a ROD is approved and issued.

/s/ **Frank R. Wall**, Objector & Defendant (MT D.C. – DV-07-248) Phone: (208) 818-4288 cell

Box 1000 / Athol, ID 83801 / (208) 818-4288 – frankwall@mindspring.com

Ref:	Tom Livers – Montana DEQ Director	(406) 444-2544	DISTRIBUTION
	John North – DEQ Chief Legal Counsel	<i>ibid.</i>	– REQUESTED –
	Edward Hayes – DEQ Attorney	<i>ibid.</i>	_____
	Permitting and Compliance Division	(406) 444-4323 / 444-4953	
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	Terry Webster – MT Bureau of Lands (Ret.) — % MPERA@mt.gov - (406) 444-3154 - <i>Jenny Weigand</i>		
Cc:	Amanda Miller – <i>DEQ Montanore Coordinator</i>	(406) 444-4962 - (04.24.2015)	
	— Amiller4@mt.gov – EMB Hard Rock Environmental Science Specialist		

Email Cover Message:

Objection Reviewing Officer:

Re: Montanore Project Objection(s) submittal by COB Mountain Time (4:30 MDT)...

Dear USDA FS Region 1 Official,

The undersigned Frank Wall (Wall) will be filing an errata later today (if permissible) as supporting exhibits to the objection letter attached. A weeks' progressing study by Wall on this matter involving the Montana DEQ legal staff was provisionally concluded just this morning effecting the timeline at not fault of the DEQ counsel. Also, a parallel effort on the Montanore Project was filed with the Lincoln County Montana District Court just yesterday.

The lawsuit is Montanore Minerals Corp., et al. vs. Frank Wall, et al. - Case DV-07-248 and in its eight year. Litigation in the Montana District Court, possibly the Montana Supreme Court, and in the U.S. District Court in Missoula, and possibly in the Ninth Circuit Court of Appeals in San Francisco could affect this exercise by the FS and DEQ. -- I am a stake-holder in the litigation and the mining property involved including the Libby Creek Adit/decline. The unpatented mining properties are touted by the proposed operator Mines Management, Inc. to be their project "siting area" with alleged illicit mill sites and tunnel sites over the subject property.

You will find my Objection meets the requirements of 36 CFR 218.8(d). Thank you.

Regards,

/s Frank Wall

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