

EXHIBIT P

## Michael Spreadbury - Crystal Cox Blog Exposing Montana Corruption.

info not published elsewhere about civil rights, corruption, and things we never thought would happen in the United States. They happen in Montana

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Monday, March 19, 2012

### Bitterroot Public Library

### Bitterroot Public Library wants your house.

Deception at the Bitterroot Public Library Hamilton Montana



psychologytoday.com

In the last two editions of the Bitterroot Star, the Bitterroot Public library is claiming that they have funding "gaps" for their FALL FUNDING DRIVE. The only gap is the public misinformation about the Bitterroot Public Library budget.

Let me help you with that one.

In the 2009-2010 budget the Bitterroot Public Library had \$500,000.00 US in the bank of your tax money. Apparently, this is not enough for a small one room library to operate with their \$500,000 combined annual budget from Ravalli County and the magical unincorporated City of Hamilton. When the Bitterroot Public Library spends your tax dollars from the unincorporated City of Hamilton, MT and Ravalli County MT taxpayers purchases of books only amounts to 1 in 9 budget dollars.

The North Valley Library in Stevensville, MT has plans for expansion, has far superior community programs, staff, and operates on a fraction of the Bitterroot Public Library tax revenue (see link below for the North Valley Library). Moreover, The North Valley Library ACCEPTED the US President letter denied by the Bitterroot Public Library (link is below). Here is a PDF view of the remodel/expansion plans in Stevensville MT at the North Valley Library: (wait for upload) <http://commaq.com/cq/wp-content/uploads/2011/12/NVPL-Public-Info-Boards-041111.pdf>

Here is a vision, a snippet of life in Hamilton, MT site of the Bitterroot Public Library: Hamilton Montana Police more than willing to transfer expertise to the Bitterroot Public Library when asked.

Pulled over for "Being in Wrong Lane"  
[warning, gunfire, death of American by Hamilton Police]



The City of Hamilton is not lawfully incorporated, not historically either.  
The Davis family has cause of action for WRONGFUL DEATH.

NOTE: an unincorporated city cannot have police, employees or a gov't

Now if anyone brings this up, beware of the 15 police officers who are far from imaginary.

YOU ARE 12,571 TIMES MORE LIKELY TO DIE FROM CANCER THAN FROM A TERRORIST ATTACK

**YOU ARE 87 TIMES MORE LIKELY TO DROWN THAN TO DIE IN A TERRORIST ATTACK**

YOU ARE 13 TIMES MORE LIKELY TO DIE IN A RAILWAY ACCIDENT THAN FROM A TERRORIST ATTACK

YOU ARE 17,600 TIMES MORE LIKELY TO DIE FROM HEAD INJURY THAN FROM A TERRORIST ATTACK

**YOU ARE EIGHT TIMES MORE LIKELY TO BE KILLED BY A POLICE OFFICER THAN BY A TERRORIST ATTACK**

YOU ARE 12 TIMES MORE LIKELY TO DIE FROM ACCIDENTAL STEERING WHILE DRIVING THAN FROM A TERRORIST ATTACK

YOU ARE 1048 TIMES MORE LIKELY TO DIE FROM A CAR ACCIDENT THAN FROM A TERRORIST ATTACK

YOU ARE SIX TIMES MORE LIKELY TO DIE FROM HOT WEATHER THAN FROM A TERRORIST ATTACK

YOU ARE NINE TIMES MORE LIKELY TO CHOKE TO DEATH ON YOUR OWN VOMIT THAN DIE IN A TERRORIST ATTACK

YOU ARE MORE LIKELY TO DIE IN A CAR ACCIDENT THAN FROM A TERRORIST ATTACK

**LOOK IT UP**  
DATA FROM 2004 NATIONAL SAFETY COUNCIL ESTIMATES

Hamilton Montana is a community with many older seniors, so why shouldn't the Bitterroot Public Library seek those estates for use of their budget? How would the public know that the Bitterroot Public Library actually have a giant surplus? It is called deception at best, and fraud is not too far off.  
read more: <http://www.industrywhistleblower.com/2011/05/bitterroot-public-library-fraud.html>

In the 2009-2010 budget, 63% of the funds went to pay themselves (Administrative Costs). Lets compare the Bitterroot Public Library with the North Valley Library, a bigger, more community minded outreach, AND had plans to expand, with ACTUAL GAPS in their budget.

The North Valley Library is a great organization. Their volunteers laugh, are fun to talk to, and are helpful. Please give to the Stevensville Library if you have money to give. They operate a much better library with MUCH LESS tax revenue (or deception).  
<http://northvalleylibrary.org/>

It is proof that the Bitterroot Public Library feels money from the public is theirs to spend, at their desire, and ask for more in Hamilton Montana. The Bitterroot Public library has another secret: Hamilton Montana taxpayers have footed a court bill for an estimated \$250,000 for removing privileges, charging crime for sitting on public property as the former director admitted no requests were made to leave the library (under oath) for any behavior issue in violation of their policies, or Montana Law [MCA 22-1-311] which states a "willful violation of the rules" is needed prior to removal from the library. Many people in Hamilton were removed outside of this policy.

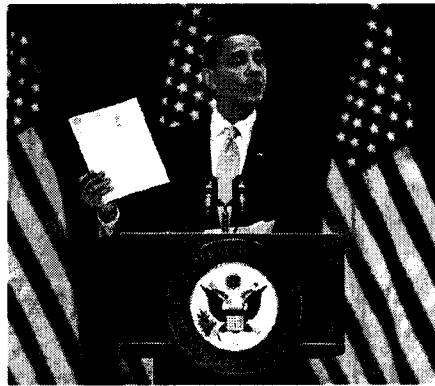
The Bitterroot Public Library commons



It is estimated that the Bitterroot Public Library has removed at least 10 patrons rights to enter the library, and the details are not known beyond that.

What is known is that the Bitterroot Public Library wants more of your gifts, be it your house or your hard earned money when they mis-use public funds as they violate Montana law, and patrons rights.

An upshot of the "Ban" from the Bitterroot Public Library has been the "Library Thing" website with a revolving readership of 3Million readers about the Bitterroot Public Library. The other upshot is the letter to the first African-American US President asking for CIVIL RIGHTS within the FIRST paragraph; the Montana US President letter has had more than 10 million confirmed views.



in.reuters.com

Read the 10 page letter banned from the Bitterroot Public Library in 2009:

<http://www.ethicscomplaint.com/2011/06/open-letter-to-president-obama-pleading.html>

The Bitterroot Public Library pays \$1 per year for their space to the City of Hamilton. They want more from you, although you pay for their mistakes, as improper use of public funds is the #1 criminal priority of the FBI although no one is seemingly breaking a sweat at the US Dept. of Justice.



prosecutorcorruption.com

Former Prosecutor Geoff Mahar  
(photo from bankrupt Lee Enterprises)

While the public, and The Bitterroot Star's Michael Howell go ballistic over spending \$250,000 of public money for Geoff Mahar's retirement at the Ravalli County Attorney Office, no one is making a peep over the misuse of Hamilton Taxpayer funds to the same sum to improperly benefit the Bitterroot Public Library in Hamilton Montana.

read more: <http://www.prosecutorcorruption.com/2010/12/deputy-county-attorney-resigns-ravalli.html>

here is the Library Thing webpage about the Bitterroot Public Library: 3 Million hits on one site.  
<http://www.librarything.com/work/10769795>

About 6 months ago, this blog network encouraged the boycott of the Bitterroot Public Library and a link to the reasons should make it very clear that something is very wrong in Hamilton Montana:  
[industrywhistleblower.com/2011/06/boycott-bitterroot-public-library.html](http://industrywhistleblower.com/2011/06/boycott-bitterroot-public-library.html)

It just seems intuitive to give to a library. The Bitterroot Public Library is not an ordinary library. It has lost a director, and the state director for protecting the Bitterroot Public Library in Hamilton Montana. A library is for the public, to discuss ideas, obtain reading material, and congregate outside to enjoy peace. Peace is not what is at hand at 306 State Street in Hamilton Montana, site of the Bitterroot Public Library.

Please guard your finances from the Bitterroot Public Library. They have a right to ask you for money, but you have a right to know how public funding is being spent, or not being spent.

Source of Post: <http://www.hamiltonmontana.us/2011/12/bitterroot-public-library-wants-your.html>

Posted by Michael Spreadbury at 10:27 AM

[Recommend this on Google](#)

Labels: Bitterroot Public Library, Bitterroot Public Library Hamilton, Bitterroot Public Library Hamilton MT, Bitterroot Public Library Montana, Hamilton MT public library, Ravalli County public library



Tuesday, February 21, 2012

## Local Government

Note: this editorial was written to expose a local municipality and County in the State of Montana which does not have the lawful paperwork required by State Code to exist.



Hamilton, MT county seat of Ravalli County  
*photo courtesy of goNorthwest.com*

This letter will look at how well our governments are working in Ravalli County, without the party spin, but with hard facts, and hard truths. Some might remember the documentary commissioned and filmed in the Bitterroot Valley in 2009 named "Beneath the Beauty". Within that 2 hr. production the Mayor of Hamilton, Jerry Steele is asked about incorporation documents for his city, required for public inspection in Montana under MCA 7-2-4100 and following.

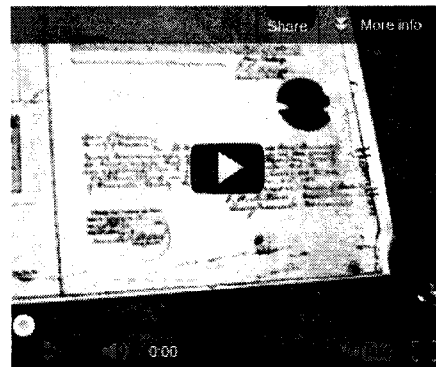
The public inspection issue is a problem for our local governments. As many people work for these governments, all of a sudden it has become "all of them" against an individual, or smaller group of people. This newspaper has bravely entered the courts to attempt to warm the heart of Honorable Langton, personally I tried with Honorable Haynes to plead public disclosure of police reports which outweigh personal privacy of an individual, even if they work for a local government. The constitutional right to know is a powerful one in Montana, and our local governments don't have a terribly good track record if you look at the filing history in the Montana Supreme Court.

In 2006 a person named Prindel sued Ravalli County for not releasing documents, and records the failure to release public information. In 1992 it appeared that the Hamilton City Judge was sexually harassed by the sitting Mayor Whitlock, and a group called Citizens to recall Whitlock sued the Mayor to release the investigation due to public concern of the document. The Bitterroot Star, and others sued the County for the release of Geoff Mahar's complaint against the Ravalli County for similar reasons.

Why do our local governments behave so badly? It's due to the "all of us" against the individual mindset. The interesting part is the admission in official meeting of Mayor Steele in August 2009 of no incorporation public documents for the City of Hamilton. The official plat map indicates the City of Hamilton was annexed to Missoula Co. on September 4, 1890, with no record of incorporation since. Ravalli County was created by the Montana Legislature on March 3, 1893 except that Hamilton relies upon a newspaper article from July 21, 1894 as proof of "incorporation". Neither the current city clerk nor county clerk can find required public documents for Hamilton's lawful incorporation. How can these local governments lawfully collect taxes or have employees, elections or any function of a government such as courts, law enforcement?

Montana law MCA 7-2-2103 says that a county seat such as Hamilton must be incorporated for a county to lawfully exist. Seeing how the chicken came before the egg for Ravalli County (county created 1893 prior to "incorporation" in 1894 or Marcus Daly founding in 1895) do we wonder why our local governments are behaving so badly? It's because they don't lawfully exist, and they don't need to behave or follow the rules.

Official Plat Map shows Hamilton, MT is Missoula Co.



certified map of Hamilton MT

on Feb. 25, 2010 by Ravalli Co. Clerk Regina Plettenberg

Open meeting laws, public disclosure of information, partisan infighting, potential issues with civil rights; all due to no desire to be lawful. If we want less government intrusion, public officials can decide to put their pencils down, and stop collecting our taxes. Seeley Lake is a wonderful place to live, because Missoula Co. leaves them alone. With proof that Missoula Co. owns Hamilton, and Ravalli County cannot exist without a legitimate county seat, it's time to get out the drawing board and chalk out some lawful solutions for our local governments to exist in the Bitterroot Valley.

Source of Post: <http://www.hamiltonmontana.us/2012/02/invalid.html>

Posted by Michael Spreadbury at 9:35 AM

+1 Recommend this on Google

Labels: Hamilton Montana Schools, Hamilton MT real estate, incorporation Hamilton MT, MMIA Montana, Ravalli County Commissioners, Ravalli County jobs, recreation Ravalli Co Montana

Saturday, January 28, 2012

## FRAUD at Rocky Mountain Labs

Crystal Cox and I have collected information on the Rocky Mountain Labs for a few years now.

The entire US Government (federal agencies, legislature, judiciary) has been closed to making the NIH lab in Hamilton, Montana accountable to ANY standard.

From Crystal: a connection to a law firm that President Obama worked for, Foley & Lardner and has high connections to Chris Bebe (sic?) a high ranking Republican strategist.



flickr photo

Marshall Bloom in bowtie, Dr. Anthony S. Fauci in the blue tie [NIAID director since 1980's]

The White House has made one of the Directors, Marshall Bloom (physician license in MT inactive) a liaison for immunology, and infectious agents. The problem is the NIH/NIAID facility in Hamilton, MT does not have onsite fire/bio hazmat facility like the Bethesda, Maryland headquarters of NIH [a recent upgrade of the rescue, capabilities took place].

Here is the \$250,000 Aerial Ladder truck NIH bought for the VOLUNTEERS in Hamilton Montana [they seem to have trouble staffing the truck—so it is used in parades]



plafire.com

OK, should volunteer firemen respond to EBOLA and infectious agents at NIH NIAID Rocky Mountain Labs Hamilton MT? (remember, no crew for this truck, and NO buildings higher than 3 stories!)

The other problem is the environmental problems: 1) clean water act, 2) Low Frequency Emissions into neighborhoods surrounding the Hamilton, MT facility, 3) safety of Infectious Agents [such as Ebola] studied at Rocky Mountain Labs (RML) in Hamilton, MT.

Here is a video showing the sound of silence in Hamilton, MT at RML



39 second video with sound meter reading 62 dbC  
World Health Standards are approx. 44dbC nearly twice as quiet.

Low Frequency Noise has serious effects to Human Health---no consequence for NIH.

The NIH facility was VERY Interested when I took data: I was watched.



September 25, 2011 recording of sound.

On February 2, 2011 a contractor for NIH committed fraud by measuring the sound signature from RML with a sound scale that intentionally DEFLATED the data. RML worked with the contractor by reducing their signature that day by one order of magnitude (as recorded by me).

The sound fraud is a detriment to the NIH mission which states scientific accountability to the public. The Acoustics contractor for RML was BUSTED (by me) for using an Engineering License PE on his report, when he did not have one in Montana. Read more:  
<http://www.industrywhistleblower.com/2011/08/nih-rml-contractor-busted.html>

The RML facility is willing to stand behind fraudulent data, that which directly harms Americans who pay the NIH bill. To see the memo, and LOTS of photos of the facility see:  
<http://www.industrywhistleblower.com/2011/09/nih-fraud-world-embarrassment-not-enough.html>

The RML facility also decided to tell the Montana US representative Denny Rehberg that "they stand behind the data" [which is absolutely fraudulent, endangers area residents near RML Hamilton].

Here is my request for a Federal Fire Station in August 2009 from Rehberg:





# Michael Spreadbury - Crystal Cox Blog Exposing Montana Corruption.

Members of the Hamilton, MT community have put forward a letter to the US President in 2009 about the RML lab in Hamilton, and civil rights to the first African American US President.  
(we did not get a response to the letter, and no help with the RML Lab in Hamilton, MT)

read the US President letter [10 pg] from 2009 about the NIH facility in Hamilton MT.  
<http://www.montanapoliticalnews.com/2011/06/open-letter-to-president-obama-pleading.html>

the letter has had over 10 Million views. Anonymous sent it to more people via email.

There is a documentary movie named Beneath the Beauty [available: [www.BeneaththeBeauty.com](http://www.BeneaththeBeauty.com)] where Mr. Bloom is interviewed about the history of Rocky Mountain Labs (RML) in Hamilton, MT. We look into the safety issues of RML, and explore Hamilton's unincorporated status.

I wrote an appeal to the 9th Circuit for the environmental issues at RML. It was also swiped away to protect this facility. The case was not even SERVED by the US District court for Montana, and the 9th circuit issued an "unpublished opinion" [which means they can discard it]. Whatever they do at RML Hamilton, the employees need top secret clearances, and no form of US Government will intervene: EPA, OSHA, US Surgeon General. So all three forms of government cannot touch Rocky Mountain Labs in Hamilton, MT (which doesn't lawfully exist).

[placestostay-Montana.com](http://placestostay-Montana.com)

Hamilton is county seat to Ravalli County (Bitterroot Valley)  
and does not lawfully exist as a municipality in Montana.

The Bitterroot Valley that surrounds the facility has 9,000 foot peaks, is isolated in US Forest Service land and wilderness (1.6 M acres) and high fire danger. It is situated in a spot not near population centers, and would only kill 40,000 Americans if the infectious agents got out [if they could isolate the bio-medical infectious agent regionally].

Affidavit of Misconduct of Public Health Service (PHS) Officer  
Kelly Hudson, Office of Research Facilities (ORF) Hamilton Montana

Fraud by Kelly Hudson endangers Americans health in Hamilton, MT @ RML

Affidavit of Michael E. Spreadbury

Comes now, Michael Spreadbury first sworn with affidavit below

1. I am Michael Spreadbury, resident of 700 S. Fourth St. Hamilton Montana.
2. The Rocky Mountain lab main entrance is located at 903 S. Fourth St. Hamilton Montana two blocks south of my residence.
3. Kelly Hudson is the liaison to the NIH Office of Research Facilities (ORF) and an officer for the US Public Health Service (PHS) in Hamilton, Montana.
4. On February 2, 2011 Hudson knowingly defrauded the public through a sound contractor hired by NIH to perform sound tests in Hamilton, MT.
5. The contractor used a method to measure the sound inadequate to capture the full extent of Low Frequency Noise (LFN) from the NIH Hamilton facility, known to Hudson to be harmful above a set exposure limit.
6. Hudson, on 2/2/2011 would "trust the experts" as fraudulent measurement was taken to knowingly misinform the public of LFN sound emissions from the NIH facility in Hamilton Montana; Hudson is an Associate Director.
7. Kelly Hudson's conduct with respect to NIH facility emissions in Hamilton Montana is not becoming of the US Public Health Service or NIH.
8. By injuring my health, and that of my household, and the neighborhood surrounding the NIH facility in Hamilton Montana Hudson should be removed as an officer of the US PHS, and employee of NIH.
9. Kelly Hudson, as liaison for the NIH ORF in Hamilton Montana knowingly did not protect the public's health and safety as infectious agents without cure are studied without sufficient onsite safety equipment and storage to counter the health risk & liability to the public and federal employees.
10. For breach of NIH Mission, science integrity, accountability to the public essential mission to protect the public and federal employees from harm, knowingly injuring my household from unwanted and harmful LFN emissions near NIH Hamilton Montana, Kelly Hudson should be removed with cause, or resign his position at Rocky Mountain Labs (RML) for NIH and the US PHS for the Department of Health and Human Services.

FURTHER AFFIANT SAYETH: Dated: November 14, 2011

*Michael E. Spreadbury* MICHAEL E. SPREADBURY

I, \_\_\_\_\_, a Notary Public for the State of Montana, do hereby certify that the above named Michael E. Spreadbury who is known to me, and who personally identified himself to me, executed the within in my presence.

*R. J. ...* Name of Notary Public



*[Signature]* Notary Public Signature

*2011 11 14* my commission expires

RML gives my household headaches, adds stress, more  
.....do YOU have headaches now Mr. Hudson?

I'd like to give a shout out to Dr. Boris D. Lushniak the Deputy US Surgeon General.....  
apparently he has never heard of a conflict of interest, or protecting fraud.....  
HE JUST DID BY PROTECTING KELLY HUDSON in a 1-26-2012 letter.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

JAN 2 2012

Office of the Surgeon General  
Rockville, MD 20895

Mr. Michael Spreadbury  
220 S. 4th Street  
Hamilton, MT 59801

Dear Mr. Spreadbury:

Thank you for your recent letter of concern to the Office of the Surgeon General. Your affidavits and additional information have been reviewed. Your transparency, honesty, and concern for public health concerns and this office is indeed interested in ensuring a healthy, safe environment for our citizens. In the interest of fairness, we have additional reviewed information provided to us by National Institutes of Health (NIH) regarding their response to your concerns and actions taken.

The sound contractor hired by CAPT Kelly Hudson is a licensed professional engineer who has acted as an independent consultant. NIH employs engineers of its own and could have conducted these sound studies without the expense of an outside practitioner. Despite your evidence to the contrary, it is difficult to refute the professional findings of a licensed acoustic consultant who uses professional grade equipment. This Office must support the findings of the NIH data.

The constant vigilance of good people has always been a strength of our country. I encourage you to continue to participate in the Rocky Mountain Laboratories Community Liaison Group and stay abreast of potential health risks. Thank you for sharing your concerns.

Sincerely yours,

*Boris D. Lushchek*  
Boris D. Lushchek, M.D., M.P.H.  
RADM, USPHS  
Deputy Surgeon General

Kelly Hudson is a certified GOON. He is stupid, he knows he can get away with whatever he wants to, including endangering the public, in VIOLATION of his PHS Oath.

--Sincerely Michael Spreadbury (former decorated FEMA officer, victim of RML's scientific fraud)

BELOW IS MY ORIGINAL NEPA COMPLAINT [Environmental law] regarding the NIAID/NIH lab in Hamilton, Montana.

---by the way, Hamilton MT is not an incorporated city yet has 15 police for 3700 residents, collects taxes, and provides 65 M Gal of municipal water so NIH can wash its "Bubblesuits".



RML photo

The NIH Police have trouble with jurisdiction, as demonstrated by this short video. FYI the "airport" in the video is 50 miles from the NIH facility in Missoula, Montana.



I respect the NIH police, its just the non-direction and waste of resources [there are 15 of them] and NO federal firefighters for a NIAID [infectious agents without cure] NIH facility.

Michael E. Spreadbury  
P.O. Box 416  
Hamilton, MT 59840

*Pro Se Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

MICHAEL SPREADBURY ) Cause No: \_\_\_\_\_  
Plaintiff )  
v. ) **COMPLAINT**  
US DEPARTMENT OF HEALTH AND HUMAN )  
SERVICES, NATIONAL INSTITUTES OF )  
HEALTH, FRANCAIS COLLINS, MARSHALL )  
BLOOM, )  
\_\_\_\_\_ )  
Defendants )

**Cause of Action:**

This cause of action is for violation of the National Environmental Policy Act (NEPA) as described in 42 USCA §4332 et. seq.; 40 CFR §1502 and §1503 et. seq. Defendants failed to follow well established guidelines for NEPA, and assess health and safety risks at National Institute of Health facility in Hamilton, Montana known as Rocky Mountain Labs (RML).

Plaintiff Michael Spreadbury (hereafter "Plaintiff") in his complaint against US Department of Health and Human Services et. al. Defendants allege as follows:

**Parties:**

1. Michael Spreadbury, a resident and natural person of the State of Montana.
2. The US Department of Health and Human Services, an executive branch department of the United States which must abide by all applicable laws.
3. National Institutes of Health (NIH), a branch of the US Department of Health and Human Services must act in compliance with all applicable laws, based in Bethesda, Maryland.
4. Francis Collins, Director of the National Institutes of Health, the responsible official who must act in compliance with all applicable laws, based in Bethesda, Maryland.

5. Marshall Bloom, Director of Rocky Mountain Labs (RML) affiliated with NIH, is the local responsible official for who must abide by all applicable laws, located in Hamilton, Montana.

**Jurisdiction and Venue:**

The Montana US District Court has jurisdiction via 5 USC s. 701 et. seq., 28 USCA 1331 Federal Question, 28 USCA 1336, 28 USCA 2201 et. seq. Declaratory Judgment Act. NEPA 42 USCA § 4332 et. seq., 40 CFR §1502, §1503 et. seq. Plaintiff entitled to relief.

Venue is proper due to Defendant property and activities in Ravalli County Montana which is within the Missoula Division of the US District Court for Montana.

**Factual Background**

6. The Bitterroot Valley, where the Rocky Mountain Laboratory is located contains blue ribbon trout rivercourse Bitterroot River containing protected Species Bull Trout.
7. Lewis & Clark traversed valley upon direction of US President to find a land route to the Pacific Ocean.
8. Soils in the Bitterroot Valley are some of the richest in the state; water, timber resources abound surrounding the NIH facility in Hamilton, MT.
9. The Selway-Bitterroot Wilderness is the second largest in the US at 1.6M acres, which sits at the western boundary of the RML site in Hamilton, MT.
10. Wildlife crossings in Bitterroot are essential to habitat such as Bear, Moose, Elk, Deer, bird habitat of waterfowl, migrating birds, owls, hawks, bald eagles.
11. RML site in floodplain for flood insurance: any part of property below the 100 year floodplain makes entire property floodplain. 1968 National Floodplain Insurance Act.
12. Neighborhood surrounding RML south of Hamilton, MT contains historic homes over 40 years which require historical review for any federal project by NIH.
13. NIH-RML drafted an Environmental Impact Statement (EIS) and Final EIS (FEIS) with appropriate comment period.
14. NIH-RML drafted a 20 year master plan with appropriate comment period.
15. Specific details for Interpretive Center and North Parking Lot projects in FEIS did not include required items as per the National Environmental Policy Act (NEPA).
16. NIH-RML FEIS did not include alternatives to interpretive center project.
17. FEIS did not include a historical review in report specific to the interpretive center, proposed parking lot project, purchasing residential property for NIH industrial use.
18. FEIS did not allow public comment addressing the interpretive center, or the parking lot project specifically as proposed.
19. Proposed Parking Lot project is near floodplain and drainage to Bitterroot River, and would require use of residential property purchased for a federal industrial purpose.
20. Interpretive Center proposed demolition is within a historic residential area did not include alternatives to the proposed demolition of the existing structure 801, 803 S. 4th.
21. In planning the new BSL-4 facility, NIH did not include professional fire, material safety personnel or fire structure assets at RML for safety, health of residents, employees.
22. The 20 year plan and FEIS does not include an emergency response structure at RML.
23. RML agreed to respect NEPA process, and uphold health and safety of community and RML employees in 2004 to resolve CV-04-154-M-DWM out of court.
24. NIH BSL-4 facilities in Frederick, MD; Bethesda, MD; and Raleigh-Durham, NC have sufficient fire assets due to being in larger communities which have training and equipment necessary to provide emergency assistance to comparable facilities to RML.
25. RML is located in an isolated valley with no professional fire departments, and no material safety teams within 45 miles, and 29 volunteer firemen in Hamilton, MT.
26. NIH headquarters house 30 federal firefighters, and can get assistance from the well equipped Bethesda (MD) Fire Department, located within 15 minutes from D.C. metro.
27. RML has no federal or professional fire personnel in any proximity to facility.
28. RML 20 year plan had no onsite emergency response facility although no adequate biological, materials, or radiological safety team is within 45 miles.
29. First Presidentially declared fire emergency was in proximity to RML, Ravalli County, and Montana in year 2000. Fire hazard is

extremely high near RML.

30. RML is 45 miles from Missoula, MT with 60,000 residents and five firehouses. Materials safety team is currently dispatched from Missoula Fire Department.
31. Fallen timber block fire corridor route, accidents, and in-climate weather 3000 ft. AMSL, 47°Latitude; fire/materials response from Missoula not assured within 1 hour of dispatch.
32. RML without professional material safety, biological, or radiological staging area available on site, or within 45 miles of the Hamilton, MT facility.
33. NIH Office Research Safety issued Plaintiff false assurances of safety since 2007.
34. Plaintiff has adequately participated in administrative process by expressing concerns to RML, NIH in fire safety, environmental quality, NEPA director, Director of Research Safety, NIH legal counsel, and NIH Directors office.
35. Plaintiff has offered mediation to resolve this dispute to NIH.
36. No further remedy is available to Plaintiff to resolve NEPA and related safety issues.
37. FEIS and published NIH documents failed to adequately disclose, analyze, and assess environmental risk from proposed interpretive center demolition, parking project proposed by RML.
38. Risks from RML proposed interpretive center, parking lot projects have impacts to the environment, human health, and impacts to local governments.
39. Defendants did not comply with the NEPA act at RML.
40. Defendants have duty protect safety and health of employees, public around RML.
41. Defendants failed to answer electronic correspondence from Plaintiff addressed to askrml@niaid.nih.gov relating to fire safety.
42. Defendants do not pay taxes to local governments, nor payment in lieu of taxes (PILT) to defray wear on roads, fire response, and other costs.
43. Defendants are adding lab space at RML requiring more water resources, and have not addressed resource issue in the master plan, FEIS, or other published NIH documents.
44. Water discharge from RML facility, or monitoring is not published or public information.
45. Security of RML north boundary is substandard as non-fortified chain-link fencing.
46. Purchase of residential property for RML is not proper for federal industrial projects.
47. Industrial process as RML requires roof cooling fans, which impact bird habitat, and riparian, river area to west and surrounding RML and was not addressed in FEIS.
48. Use of NIH police vehicles except official use, outside RML property, improper.

**Charges:**

**Failure to consider a reasonable range of alternatives—Count 1**

49. Plaintiff repeats and realleges paragraphs 1-48 of this complaint as fully set herein.
  50. NEPA requires NIH to consider alternatives to recommended courses of action in any proposal 42 USCA §4332(2)(E).
  51. NEPA requires NIH to prepare a detailed evaluation of all reasonable alternatives to the proposed action in every EIS. 42 USCA §4332 (C)(iii); 40 CFR §1502.14(a)
  52. Defendants consideration of a single action alternative does not satisfy the requirement that an agency prepare a detailed evaluation of all reasonable alternatives.
  53. Failure to develop and consider reasonable alternatives by NIH with respect to the demolition of a dwelling, and a parking lot project is a violation of the NEPA Act.

**Failure to Disclose Substantive Information Regarding the Proposed Action—Count 2**

54. Plaintiff repeats and realleges paragraphs 1-53 of this complaint as if fully set herein.
55. Defendants did not disclose impacts to the public about proposed parking lot project, interpretive center project, within EIS for public comment.

- 56. No alternative was presented to local fire services in 20 year plan, or current expansion.
- 57. Impacts to demolishing duplex residential dwelling at 801 and 803 So. Fourth St Hamilton, MT for RML interpretive center was not published in FEIS.
- 58. No alternative was presented for interpretive center or parking lot proposed projects.
- 59. Water use in further expansion of RML post BSL-4 has not been disclosed.
- 60. As a result of Defendants not disclosing substantive information, NEPA violation exists.

**Failure to respond to comments-- Count 3**

- 61. Plaintiff repeats and realleges paragraphs 1-60 of this complaint as if fully set herein.
- 62. Defendants have a responsibility within NEPA to adequately respond, and take into account correspondence from the public from EIS comments as in 40 CFR §1503.4
- 63. Plaintiff comment and Public comments as to material, biological, and fire safety at RML were not adequately and meaningfully responded to in NEPA process by Defendants.
- 64. False assurances to safety by NIH did not adequately address public concerns.
- 65. RML did not respond to questions from Plaintiff and public regarding fire safety at RML.
- 66. Defendant's failure to adequately respond to, or incorporate public comments into a FEIS process is a violation of NEPA.

**Failure to protect federal employees and general public—Count 4**

- 67. Plaintiff repeats and realleges paragraphs 1-66 of this complaint as if fully set herein.
- 68. Defendants planned, and built level 4 BSL in Hamilton, MT at RML.
- 69. Increased dangers to employees and public were not met with sufficient resources to protect federal employees, federal property, and US Citizens residing near RML.
- 70. NIH did not treat RML equally in respect to health and safety as compared to other BSL-4 labs in other locations of the United States with respect to fire and materials safety.
- 71. Due to a failure of NIH to protect employees and the general public at RML, no fire assets or structures were built or planned as published in 20 year master plan and FEIS.

**Lack of Disclosure in EIS and Mater Plan Documents—Count 5**

- 72. Plaintiff repeats and realleges paragraphs 1-71 of this complaint as if fully set herein.
- 73. Fire capabilities for local volunteer departments are not published in RML documents.
- 74. Volunteer fire departments do not protect other NIH facilities with BSL-4 labs.
- 75. The lack of disclosure by NIH of fire capabilities for RML does not meet duty to assess health and safety risks to the public, as found in NEPA laws.
- 76. Due the lack of disclosure by NIH, RML is not sufficiently protected as well as other BSL-4 laboratories in the United States.

**Negligence—Count 6**

- 77. Plaintiff repeats, realleges paragraphs 1-76 of this complaint as if fully set herein.
- 78. Defendants planned BSL-4 structure five years prior to construction at RML.
- 79. No fire facility was planned within the campus at RML although no professional fire or fully equipped hazardous materials safety team is available within 45 miles of RML.
- 80. By working with high level pathogens with no known cure or vaccine, without fire and materials safety infrastructure on, or near RML campus, Defendants were negligent in their duty to protect the public and RML employees.
- 81. Defendants knew or should have known that RML had less fire safety available to it than other NIH facilities with BSL-4 labs on their campuses.
- 82. Defendants are negligent in not planning or building sufficient fire assets at RML.

**Failure in Scientific Integrity—Count 7**

- 83. Plaintiff repeats, realleges allegations in paragraphs 1-82 as if fully set herein.
- 84. The failure to disclose and assess health risks constitutes a failure to satisfy the standard of scientific integrity, a violation of NEPA 42 USCA §4332 et seq, 40 CFR §1502 §1503.
- 85. Defendants did not disclose specific facts about fire capability, specifics about Hamilton Volunteer Fire, type of engines, type and frequency of calls, required training, average age & physical condition, requirements for volunteers, capacities and age of equipment.
- 86. NIH did not publish alternative to use of volunteer fire departments to protect RML.
- 87. Vagueness of FEIS, Master Plan, Defendants gave arbitrary and non-specific information on biological, fire, material, and radiological

safety at RML.

88. NIH failed to give specific information for scientific integrity with respect to NEPA required documents such as FEIS, projects, and fire operations for RML.

**Disregard for Process—Count 8**

89. Plaintiff repeats, realleges paragraphs 1-88 of this complaint as if fully set herein.

90. Defendants did not use EIS process to evaluate alternatives, gain comment from process, limit impact to environment on federally funded projects, but a means to gain the desired outcome of publicly owned resources.

91. Federal regulations state EIS “shall serve the means of assessing the environmental impact of proposed agency actions rather than justifying decisions already made. 40 CFR §1502.2 (g).”

92. Federal agencies “shall not commit resources prejudicing selection of alternatives before making a final decision. CFR 40 §1502(f).”

93. Defendant NIH did have a disregard to EIS process with respect to Interpretive Center, Fire resources, and proposed parking lot at RML.

**Non-disclosure of Natural Resource use—Count 9**

94. Plaintiff repeats, realleges paragraphs 1-93 in this complaint as if fully set herein.

95. RML uses resources from the public like water without delineating use.

96. The proposed expansion of RML will demand more water resources.

97. By not tracking, and publishing these figures, NIH is not upholding its duty to the public to wisely use local resources, or explain its use to public.

98. RML does not publish water quality figures after treatment, and release into the Bitterroot River in Hamilton, Montana.

99. RML has a duty to assure the public that the post-process water quality is below allowable levels, and is within tolerable limits of environmental protection.

100. Resource use is an impact to a community, and NIH has an obligation to the public via Federal Regulations and NEPA laws to disclose specifics on use, and protect resources from over-extraction, and assurances of best use practices.

**Negligent disclosure of Environmental Impacts—Count 10**

101. Plaintiff repeats, realleges paragraphs 1-100 in this complaint as if fully set herein.

102. NIH, in FEIS did not disclose impacts all impacts to wildlife at RML.

103. FEIS stated 100 species of birds surrounding lab, yet published no impact to Riparian area due to no building in those zones on NIH property at RML.

104. NIH knew or should have known that impacts to wildlife would occur due to expansion and further expansion of the RML campus to add laboratory buildings.

105. NIH knew or should have known that an industrial campus near a wilderness river area and natural sanctuary for wildfowl on RML property would cause impacts.

106. NIH was negligent in disclosing environmental sensitive areas on the RML campus.

**Misrepresentation of safety facts, environmental impacts at RML—Count 11**

107. Plaintiff repeats, realleges paragraphs 1-106 in this complaint as if fully set herein.

108. NIH did not disclose fire safety statistics, fact that no comparable NIH BSL-4 facility is protected by volunteer fireman in the United States.

109. NIH did not disclose impacts, alternatives to certain projects planned at RML.

110. NIH did not mention water use other than it was sufficient for fire flow.

111. NIH did not mention impacts for wildlife, or impacts to proposed projects.

112. NIH did not reveal land purchase expansion is zoned residential for planned federal industrial use for RML.

113. Due to misrepresentation, or omission, NIH did not disclose facts as required in EIS.

**Relief Sought from Court**

Plaintiff respectfully requests that Court will find declarative ruling that the Defendants have violated the National Environmental Policy Act (NEPA), or other violations in all or part of this complaint herein.



Additionally Plaintiff requests US Magistrate to:

- I. Issue temporary injunctive relief to enjoin Defendants to immediately raise fire assets of RML to the standard of other BSL-4 laboratories in the United States.
- II. Enjoin Defendants with cease order to stop building, on other projects at RML so fire protection can be brought to a suitable level consistent with relief sought in I.
- III. Make declarative judgment whether Defendant federal agency can purchase private zoned residential property for use as federal industrial property at RML.
- IV. If affirmative in III, enjoin Defendants to re-issue EIS process to include alternatives, public comment, and other NEPA requirements on proposed parking project at north central portion of RML site, and interpretive center project.
- V. If negative in III, enjoin the Defendants to maintain the integrity of the historical neighborhood at RML main entrance and refrain from the proposed interpretive center project, and parking lot project at north central RML property.
- VI. Enjoin Defendants to secure flood insurance for all structures on RML required by National Flood Insurance Act of 1968 per US Congress Legislation.
- VII. Enjoin Defendants to regularly disclose to the public water use, expected water use, treatment standards, and contaminant levels of effluent discharged into the Bitterroot River at Hamilton, MT.
- VIII. Issue permanent injunction to enjoin Defendants to prepare an EIS which follows the NEPA law to the benefit of the public with respect to the Interpretive Center, impacts to wildfowl, and all future and current federal projects at RML.
- IX. Plaintiff asks court to grant any costs that arise from this action.
- X. Plaintiff yields to court any further relief court deems proper in this action.

Dated this \_\_\_ day of July, 2010

/s/

Michael Spreadbury, Pro Se Plaintiff

...So your guess is as good as mine...BIO-Warfare? (facility cannot analyze militarized substances by court agreement [but who can check--Richard Clarke does not live here]).

Posted by Michael Spreadbury at 10:05 AM 

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City of Hamilton  
Ravalli County  
MT Justice

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- ▼ 2012 (4)
  - ▼ March (1)
    - Bitterroot Public Library
  - ▶ February (1)
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- ▶ 2011 (7)
- ▶ 2010 (2)
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