BOUNDARY LINE ADJUSTMENT

Vanessa Dufresne

From: Austin Osborne

Sent: Sunday, June 23, 2013 4:01 PM

To: Vanessa Dufresne

Cc: Pat Whitten; Bill Maddox; Dean Haymore; Diane Stewart

Subject: July 2 Agenda: TRI Map

Attachments: TRI-Fulcrum map to Co. Comm..pdf

Vanessa,

I would like to add the following agenda language and attached correspondence to the July 2 Commission meeting. Thank you and have a great day.

DISCUSSION (No Action): (Per TRI/Storey Development Agreement): Tahoe-Reno Industrial Center, LLC & Fulcrum Sierra Biofuels, LLC Boundary Line Adjustment 2013-001 for Fulcrum Sierra Biofuels LLC/TRI at, being portions of the East ½ of Section 10 and the West ½ of Section 11, T19N, R22E M.D.M.

Thank you, Austin

Austin Osborne

Administrative Officer & Senior Planner Storey County Courthouse Box 176 Virginia City, NV 89440

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TAHOE-RENO INDUSTRIAL CENTER MAPS

DATE:
Map Title: Fulcrum Sierra Biofuels LLC/TRI
Map Type: ROS/BLA
Location: 3600 Peru Drive
From: 2009-3 2009-4
Comments: Being portions of the East ½ of Section 10 and the West ½ of Section 11 T19N R22E M.D.M.
STOREY COUNTY PLANNING DEPARTMENT

20/3-005 FUICEUM SIERRA BIOFUELS

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SURVEYOR'S CERTIFICATE

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REFERENCES

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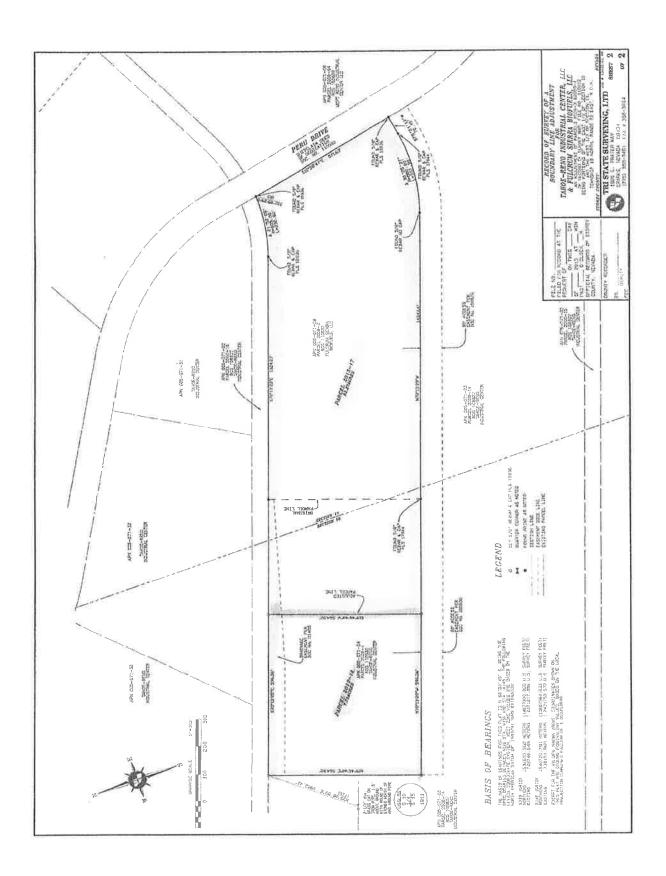
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AMEND SPECIAL USE PERMIT 2000-222-A-2

Vanessa Dufresne

From:

Austin Osborne

Sent:

Sunday, June 23, 2013 4:10 PM

To:

Vanessa Dufresne

Cc:

Pat Whitten; Bill Maddox; Donna Giboney; Diane Stewart; Dean Haymore

Subject:

July 2 Agenda Item: Comstock Mining SUP

Attachments:

2000-222-A-3 Comstock Mining (Commission).pdf; 2000-222-A-3 Conditions (clean

copy) (commission).pdf

Vanessa,

I would like to add the following agenda language and attached staff report to the July 2 Commission agenda. Let me know of you have any questions. Thank you, Austin

1. <u>DISCUSSION/FOR POSSIBLE ACTION</u>: Application to amend Special Use Permit No. 2000-222-A-2 creating Special Use Permit No. 2000-222-A-3. By Comstock Mining, Inc. (American Flat).

The requested amendments to Special Use Permit No. 2000-222-A-2 are to expand land area and modify uses allowed at existing ore processing facility at 1200 American Flat Road (APN 004-331-36), American Flat, Nevada. The requested amendments for expansion and modification of uses are limited to said area and to ore processing. Staff and the applicant have also agreed to update all text of the current special use permit to be consistent with existing federal, state, and local regulations that apply and to reflect appropriate use of language and terminology. Staff and the applicant have agreed to leave the substance of sections concerning exploration and mining in their current state.

Thank you, Austin

Austin Osborne

Administrative Officer & Senior Planner Storey County Courthouse Box 176 Virginia City, NV 89440 Office: 775.847.0968

Cell: 775.291.4693 Fax: 775.847.0949

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Storey County Board of County Commissioners

Staff Report

CASE NO.:

2000-222-A-3 (2013 Application)

APPLICANT:

Corrado DeGasperis (President, CEO, Comstock Mining, Inc.)

PROPERTY OWNER:

Comstock Mining, Inc.

PROPERTY DESCRIPTION: APN 004-331-36 (Maps shown in Exhibits B and C herein) American Flat, being all that certain parcel situated within all of the SE 1/4 of the SW 1/4 and portions of Government Lot 7, Government Lot 8 and Government Lot 12 of Section 6, Township 16 North, Range 21 East, M.D.B. & M., Storey County, Nevada, being Parcel 3 as shown and so designated on Merger and Re-subdivision Parcel Map, File No. 116315 in the

Official Recorders of Storey County, Nevada.

REQUEST:

Amendments to Special Use Permit No. 2000-222-A-2 to expand land area and modify uses allowed at existing ore processing facility in American Flat. The amendment is limited to processing and its ancillary uses; it will not cause material changes to mineral exploration or mining allowed

under the existing SUP.

MEETING LOCATION:

Storey County Courthouse

26 South "B" Street, Virginia City, Nevada

MEETING DATE:

July 2, 2013

MEETING TIME:

2:00 PM

I. KEY TERMS & DEFINITIONS

- 1.1 Processing. Crushing, grinding, washing, dissolution and other methods by which ore is prepared for further beneficiation or processing.
- 1.2 Reclamation. Actions performed during or after exploration project or mining operation to shape, stabilize, re-vegetate or otherwise treat the land in order to return it to a safe, stable condition consistent with the establishment of a productive post-mining use of the land and the abandonment of a facility in a manner which ensures the public safety, as well as the encouragement of techniques which minimize the adverse visual and environmental impacts.
- 1.3 Large Operations Mining. This classification includes surface and underground mining that meet or exceed the duration, excavation, or surface disturbance area threshold classifications specified in SCC Chapter 17.92 (Mining, Extraction, and Exploration) requiring a special use permit.

II. BACKGROUND & ANALYSIS

- 2.1 Planning commission action. At its June 20, 2013, hearing, the planning commission heard testimony from the applicant, county staff, and the public. The applicant provided a Power Point presentation with visuals, diagrams, photos, maps, and outlined text information pertaining to the proposal. Discussion included scope of the special use permit application (processing and general amendments to existing SUP text otherwise); updated maps; environmental concerns including compliance with the Nevada Division of Environmental Protection (NDEP) requirements; other federal, state, and local permitting; safety and security; air and water pollution control; and overall benefits and impacts to the site and surrounding area. In summary, the following key elements were discussed during public comment:
 - Environmental controls. NDEP oversight and regulation compliance, including for permitting, processing, mercury monitoring and abatement under Superfund, air and water permits, and post-operation reclamation was discussed. Potential mercury and other heavy-metal contamination at a historical mine dump located at the northeast of the subject property were also discussed. Findings showed that the NDEP is aware of the historic land feature and its potential for environmental hazard, and that the applicant will not disturb the land without appropriate mitigation required by the state agency.
 - Permits and plans. The applicant's mine operations and reclamation plan for the existing permitted operation and for the requested expansion were discussed. The applicant is in the process of obtaining necessary NDEP approved plans and permits for air, water, and stormwater control, and reclamation of the mining and processing facility. The planning commission added to the SUP conditions that no work may commence until there is compliance with NDEP requirements in the area of expansion.

- Distance to nearby residence and uses. As stated in this report, two single-family residences are located within 600' of the proposed SUP boundary. It was discussed, however, that crushing and processing activities, including heap leach development, will be located more than 1,000' from those residences. At least 1,000' separation is required by federal and state law. Computer-generated renditions were presented by the applicant showing potential visual impact of the development to those neighbors. The residents of one of the homes were present at the meeting. Discussion between them and the applicant focused on potential visual impacts as well as environmental and health concerns. The residents did not express opposition to the proposal, but rather wanted to assure that the project was going to be completed and operated safely and in compliance with the law.
- Regulation of the state highway. After a motion to approve the application was made,
 Commissioner Herrington asked that Condition #5 existing in SUP No. 2000-222-A-1 be
 reinstated to prohibit ore transport and other truck travel on State Route 342. The District
 Attorney advised the commission against the recommendation because it was not part of
 the submitted application and it was not included in the meeting agenda and other
 postings. The requested amendment was not included in the body's final determination.
- Conflict of interest of county officials. Before the agenda item started, the county Senior Planner disclosed that his father is employed by the applicant. He stated that he receives no financial benefits from his father and that he is in no way financially dependent on him. He did not see a conflict of interest or an inability to serve as staff to the planning commission, provide findings of fact as indicated in the staff report, or provide recommendations pertaining to the subject application. The District Attorney expressed his concurrence with the statement and that there is no conflict of interest in this case. The Senior Planner stated further that the contents of the staff report were reviewed by the NDEP and senior county staff, and that comments and recommendation were provided by the Emergency Management, Public Works, and Community Development Departments, County Manager, and the Fire District not just the Senior Planner.

County staff read into the record its recommended findings to be included with the motion of the planning commission. The planning commission voted unanimously (7 votes with all members present) to approve the project in accordance with stated findings as recommended by staff. The motion included several changes brought forth by staff regarding the Conditions of Approval, including: (1) a requirement that no expansion commences until all NDEP requirements are met; (2) directional signage to be installed at haul road and public way intersections; (3) to add a reference to building setback requirements in the Forestry Zone; and (4) correction of a typo.

2.2 Requirement by code and applicability. This special use permit request was submitted as required by SCC Sections 17.32.020(N) (Uses Subject to Special Use Permit in the "F Forestry Zone") which lists "milling and processing related to mining" as being allowable with an SUP. Large-Operations Mining will also take place concurrently with the ore processing operation and within the boundaries of the approved SUP. This SUP expansion, however, will only apply to the expansion of the ore processing facility and its ancillary uses.

2.3 Background. In 2000 the applicant's successor company was granted Special Use Permit ("SUP") No. 2000-222 to conduct mineral exploration, mining, and processing in Gold Hill and American Flat. The SUP was amended in 2004 to allow expanded exploration, mining, and processing (see SUP No. 2000-222-A-1 in Exhibit D).

Ore is currently extracted from the applicant's Lucerne Project (surface mine) located in southern Gold Hill adjacent to State Route 342 near Devil's Gate (see existing SUP boundary in Figure 2.3 and Exhibit A). The applicant is authorized under its current Plan of Operations (approved by the Nevada Division of Environmental Protection ("NDEP") Bureau of Mining Regulation and Reclamation to process up to 1,000,000 ton of ore per year at the Lucerne Project. Processing under its plan involves a three stage ore crushing and screening system located at the north-eastern corner of the existing processing area and adjacent to Cells 4 and 5 of the heap leach pad (Figure 2.4). The existing crushing plant includes a primary jaw crusher, secondary and tertiary cone crusher, a vibrating screen, and associated conveyors. The run-of-mine ore is transported by haul-truck to its processing facility and placed on ore stockpiles, from which it is crushed and agglomerated on the heap leach pad using conveyor systems.

The current heap leach pad is comprised of five cells (Figure 2.4). The pad is roughly trapezoidal in shape, approximately 10,500' long and 6,000' wide with a total approximate footprint of 18 acres. The pad at build-out will accommodate approximately 2.4 million tons of oxide ore stacked to a maximum of 105 feet. The pad will be stacked in 21-foot-high lifts with benches at each lift in order to maintain physical stability of the heap slopes and to facilitate regarding of the heap slope to 3-high:1-vertical at closure. The description of this facility is included in the applicant's Reclamation Plan Update for the Lucerne Project approved by the NDEP Bureau of Mining Regulation and Reclamation. A copy of that plan was provided to Storey County by the applicant in 2012.

The 40-acre site in which the processing facility is located is not sufficient in space to accommodate anticipated growth commensurate with the Lucerne Project mine. It also does not provide necessary space for efficiency improvements related to processing (such as relocating and expanding capacity of the existing crusher) and for stockpile of post-operation reclamation topsoil. As illustrated in Figure 2.4, the proposed 35-acre expansion will accommodate development of three additional heap leach pad cells, relocation of the existing crusher, and ancillary uses (on approximately 20 acres of expansion area), and topsoil stockpiling (approximately 15 acres). Submitted plans and the illustration shown in Figure 2.4 are preliminary; the actual location, size, number, and arrangement of shown features within the SUP boundary may vary.

2.4 Applicability (exploration, mining, and processing). The requested amendment to the existing SUP applies only to processing and the land applicable thereto. The proposal does not include expansions or alterations to exploration or mining under the existing SUP. Accordingly, the findings and recommendations in this report will apply exclusively to processing and the land applicable thereto. Exploration and mining entitlements and regulations in the existing SUP will be carried over to the amended SUP.

- 2.5 Growth Media Salvage (Topsoil). The applicant's current NDEP Reclamation Permit (Permit No. 0196 on-file with Storey County) requires the applicant to salvage stripped topsoil from all lands designated for new disturbances except where limited by excessively steep topography, rocky conditions, or areas of shallow soil depth. The stockpiles of topsoil will be placed on the 15-acre expansion area to the west of the existing processing facility. It will be placed out of the way of planned development, outside major drainages, and in areas where they can be stabilized from wind and water erosion. They will be placed and graded to a stabile configuration and seeded with an interim seed mix to provide surface stability and nutrient retention.
- 2.6 Land ownership and right. The project, including its expansion, will take place within patented mining claims and land under fee ownership. Primary access will occur mainly on existing roads and access ways already utilized for the proposed purpose.
- 2.7 Distance to residences. There are two single-family residences located approximately 600' from the Subject Property boundary. Existing and proposed uses on the subject property include hazardous and non-hazardous uses. US Environmental Protections Agency (EPA) regulations prohibit new development of processing involving hazardous materials (e.g., cyanide) less than 1,000' to existing residences. Processing uses involving hazardous materials under the existing and expanded SUP will remain beyond 1,000' of these residences. Only uses such as roads, security and buffer areas, ancillary uses, and stockpiling of reclamation topsoil will occur less than 1,000' to said residences.
- 2.8 Water source. Water serving domestic uses, dust control, ore processing, and servicing fire suppression systems is appropriated from two on-site wells. Raw untreated water is also purchased from the Storey County Water System and provided for said uses via the Marlette Water System.
- 2.9 Vehicles and equipment. Typical heavy construction and earth-moving equipment will be used in the expansion of the facility. Heavy mining vehicles and equipment, and conveyor systems will be used in the development of expanded heap leach pads.
- **2.10** Access. There will be no substantial changes to site access. American Flat Road and existing mine haul roads will continue to serve sites within the project boundary. All roads serving the site have been approved by the Fire District and are included in the applicant's NDEP Reclamation Permit.

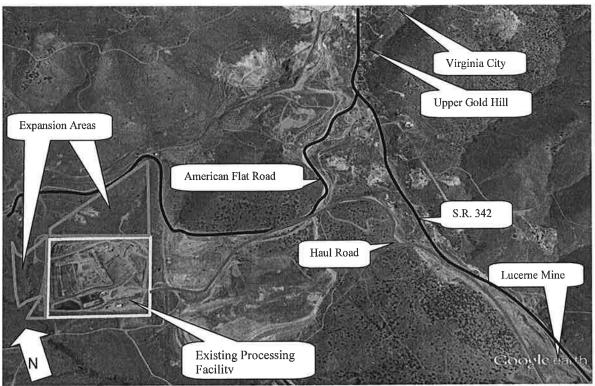


Figure 2.1: Processing expansion area and transportation routes.

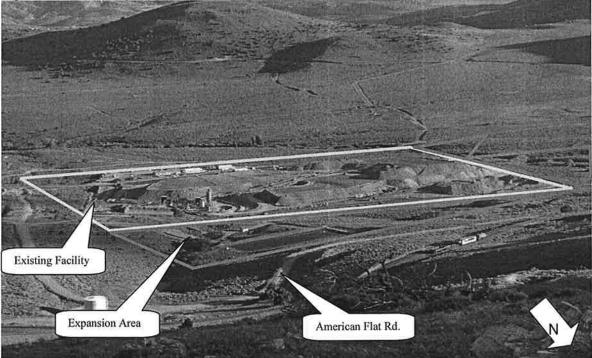
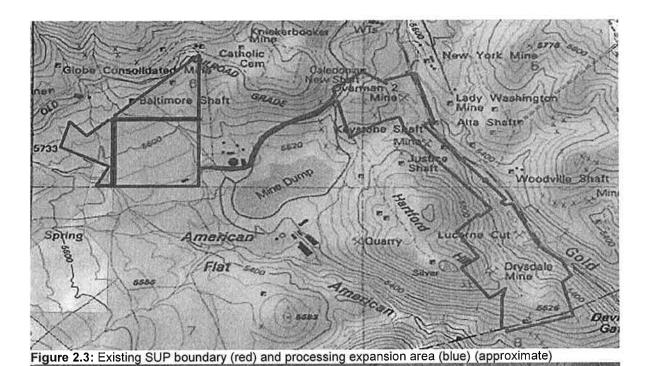


Figure 2.2: Image taken from above at Ophir Grade. The site is not visible from State Route 341 or 342 and is not visible from the Gold Hill or Virginia City town sites.



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Figure 2.4: Existing site and proposed expansions (GIS Geographic Information Systems) overlay. Submitted plans and the illustration shown in Figure 2.4 are preliminary; the actual location, size, number, and arrangement of features shown within the SUP boundary may vary.

III. KEY ISSUES

- 3.1 Operations plan. The applicant is updating its current Plan of Operations and Reclamation with the NDEP Bureau of Mining Regulation and Reclamation. The updated plan will provide for reclamation and other updates to accommodate recent expansion in the overall project as well as the requested processing expansions under this SUP amendment. A copy of the updated Plan of Operations and Reclamation must be submitted to the Storey County Fire Protection District ("Fire District") and Community Development Department within 30 days of acceptance by the NDEP. Additional elements, such as disaster management, Emergency Medical Services (EMS) and First-Aid response, transportation, reclamation, and environmental protection may be added to the plan by the Fire District or county departments. Elements to be included in the plan must include, but are not limited to:
 - Basic company, owner, site, and emergency contact information
 - Plot plan (detailed sketch drawings) of each site and access road
 - Site evacuation and emergency procedures
 - Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services Direct Connect (775.847.0950)
 - Wildland fire prevention and suppression
 - Emergency vehicle access, circulation, and staging
 - Documenting and reporting of emergency situations
 - Post disaster management, cleanup, and material disposal
 - Post-disaster damage reporting for treatment of historic structures and properties
 - Site reclamation plan with surety bond and estimated timeline for reclamation
 - Documenting and reporting of NDEP and other environmental permits and notices
 - Stormwater management; water quality; air quality; and noxious weeds abatement
- 3.2 Best Management Practices. The NDEP requires Best Management Practices (BMPs) to be implemented during each project phase. BMPs are measures that are taken to protect air, water, and land quality at and surrounding the project. Regulation and oversight will be managed by the NDEP. Stormwater must be detained on-site. A summary of BMPs to be implemented in the project are as follows:
 - Erosion control during construction, including straw wattles, silt fencing, etc.
 - Stormwater drainage and detention
 - Installation of surfaces appropriate for equipment egress and circulation
 - Post-operation BMP removal
- **3.3** Regulatory oversight. Exploration, mining, and processing are regulated and monitored by federal, state, and county codes, regulations, and permits as administered by:
 - Storey County Planning and Community Development Department
 - Storey County Fire District

- Comstock Historic District Commission
- Nevada Division of Environmental Protection (NDEP), including
 - o Bureau of Air Pollution Control
 - o Bureau of Corrective Actions
 - o Bureau of Mining Regulation and Reclamation
 - Bureau of Safe Drinking Water
 - o Bureau of Water Pollution Control
 - o Bureau of Waste Management
- Nevada Department of Transportation
- Nevada Division of Minerals
- Nevada Division of Water Resources
- State Emergency Response Commission
- State Historic Preservation Office
- Bureau of Land Management
- U.S. Environmental Protection Agency
- Mine Safety and Health Administration
- 3.4 Reclamation and surety bond. The reclamation plan, phased reclamation, and surety bonding for the Lucerne Project (mine and processing facilities) are compliant with NDEP Reclamation Permit No. 0196 (on file with Community Development). The April 11, 2012, NDEP approved Plan identifies end-of-mine-life mining and exploration disturbances, describes proposed reclamation actions, and reclamation surety bonding necessary to meet the NDEP's reclamation requirements. For the processing facility in American Flat, it includes reclamation for footprint expansion including heap leach pads, crusher facility, pregnant ponds, and additional wells. To date surety has been posted by the applicant.
- 3.5 Carson River Mercury Superfund Site. The Carson River Basin, from New Empire to Stillwater and the Carson Sink, was designated a National Priority Listed (NPL) site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA or Superfund) in August, 1990. Many areas in Virginia City and Gold Hill, particularly where mining and milling activities historically took place, have been identified as potentially containing heavy metal contaminants of concern (CoC's), mercury, arsenic, and lead, and are considered to be within the Superfund Site. The Environmental Protection Agency (EPA) has stated that delineating and mitigating the entire region would be prohibitively expensive and impracticable. The NDEP Bureau of Corrective Actions (Bureau) the local agency designated to manage the Superfund Site informed the SUP Applicant in 2011 that certain areas within the proposed mineral exploration area may contain CoC's and are applicable to the Superfund Site.

The Bureau has stated to county planning staff that the SUP Applicant will be held responsible for properly managing disturbances of existing and former mine and mill sites, tailings, dumps, and other areas that are found to contain CoC's. To avoid potential risk of exposure issues, the SUP Applicant has been advised to characterize potentially hazardous areas such as those listed above by sampling and analyzing the material for mercury, arsenic, and lead contents as directed by the Bureau. After the CoC levels are characterized and delineated, the SUP Applicant will

work cooperatively with the Bureau to mitigate the risk of exposure to human health and the environment.

3.6 Cultural resources. There are cultural resources evident on or near the site. The site and the plan for operation appear to include no disturbance or removal of such resources. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work must temporarily be halted at the specific site and the Community Development Department and NDEP must be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay will be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.

IV. LAND USE COMPATIBILITY

4.1 Vicinity description. The table below demonstrates existing land uses and zoning designations in and around the proposed project site. The existing conditions shown are followed by an analysis of key aspects of the operation that need to be mitigated in order to become compatible with the surrounding environment.

AREA DESCRIPTION				
	LAND USE	Master Plan Designation	ZONING	
SUBJECT LAND	Ore processing facility including cyanide heap leach pads, crushing, and processing and accessory structures	Mining, processing, commercial, residential, tourism, and natural resources land uses	F Forestry	
LAND TO NORTH	Vacant Virginia & Truckee R.R.	Mining, processing, commercial, residential, tourism, and natural resources land uses	F Forestry	
LAND TO SOUTH	Vacant	Mining, processing, commercial, residential, tourism, and natural resources land uses	F Forestry	
LAND TO EAST	Vacant	Mining, processing, commercial, residential, tourism, and natural resources land uses	F Forestry	
LAND TO WEST	Vacant 2 single-family residences (approximately 600' from proposed topsoil storage)	Mining, processing, commercial, residential, tourism, and natural resources land uses	F Forestry	

4.2 General compatibility. The purpose and findings in SCC Sections 17.32.015 (Purpose and Intent of the F Forestry Zone) are to "establish areas in the county from unnecessary degradation and to provide areas for very low density residential development. A special use permit pursuant to Section 17.32.020 may be granted for "milling related to mining" when the use is found to be compatible with surrounding land uses and the purpose and intent of the Forestry Zone. The conditions proposed under this special use permit request appear to provide adequate protections to surrounding properties and the nearest existing residence (approximately 600' lateral distance). See discussion on nearby existing residences in Section 2.6.

V. PUBLIC SAFETY

- 5.1 Safety and security. Appropriate security measures must be maintained to prevent unauthorized access to hazardous chemicals and materials, heap leach pads, ponds, equipment, buildings, related apparatus, etc. Federal and state regulations, at a minimum, must be in compliance for this SUP to remain valid. All permits required by the NDEP and State Fire Marshal's Office for hazardous materials storage shall be supplied by the applicant to Community Development within 30 days of receipt. All storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open hydrological features containing cyanide and other hazardous substances must be treated appropriately to prevent wildlife access.
- 5.2 Groundwater monitoring. Monitoring wells have been installed by the applicant for its existing operation. The NDEP requires installation of these monitoring wells to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from Community Development Department prior to drilling. Monitoring reports and other findings must be submitted to the Community Development Department on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, then monitoring report submittal maybe reduced to bi-annually until full closure of the processing facility.
- 5.3 Air monitoring. Air emissions, including dust and other airborne materials, must conform to NDEP permit limitations for this SUP to remain valid. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, have been and will continue to be submitted to the Community Development Department for review and filing. In the event that there is an air discharge in excess of the standards approved by the NDEP under the construction or operating permit, the Permit Holder will be required to provide the Community Development Department a copy of any notice within 24 hours of receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder will be required to submit a copy of the report to the County Community Development at the same time it is submitted to the NDEP.

VI. APPLICABLE CODES & REGULATIONS

SCC 17.92.090 states that processing related to mining may be allowed in the Forestry Zone with approval of an SUP. It restricts processing involving crushing and hazardous substances from being placed within 1,000 feet of existing residences. The nearest crushing and processing uses under the proposed SUP expansion are 1,300' or more from existing residences (see Section 2.6).

As stated in the foregoing, this SUP expansion is applicable only to the proposed processing facility. Mining activities allowed in the Existing SUP will be regulated by the conditions of that SUP issued pursuant to SCC Chapter 17.92.

VII. MASTER PLAN

The proposed special use permit conforms to the goals and objectives of the Storey County Master Plan including: enhancing diversification of economic opportunities within the county (Chapter 3, Goal 1) protecting the quality of present and future water resources (Chapter 5, Goal 2); regulating use of watershed areas to minimize fire danger and prevent degradation (Chapter 5, Goal 4); protection of historical resources and consultation with the Comstock Historic District Commission on development (Chapter 8, Goal 1 and Objective 1.1); maintaining a healthy environment for all residents of the county (Chapter 9, Goal 1), and ensure land use plans are compatible with the zoning map, master plan, and previous planning decision (Chapter 9, Objective 1.1); and reducing land use conflicts between mining operations and other private and public land users and preserving the historic heritage of the Comstock (Virginia City/Gold Hill, Goal 1 and Goal 2).

VIII. FINDINGS

- 8.1 Motion for approval. The following are found to be factual regarding the proposed SUP under the recommended conditions of approval shown in Section IX of this report. A motion for approval should include at a minimum these findings and may include other findings deemed appropriate and factual by the body.
- 8.1.1 SCC Section 17.32.020(N) (Uses subject to a special use permit) requires a special use permit for milling and processing related to mining in the F Forestry Zone, in which the operation under SUP No. 2000-222-A-3 is located.
- 8.1.2 Amendments to SUP No. 2000-222-A-2 by approval of SUP No. 2000-222-A-3 apply only to conditions in the existing special use permit that pertain to processing, including but not limited to, crushing, processing and beneficiation, agglomeration, Merrill Crowe process, and ancillary uses thereto, located at Assessor's Parcel Number APN 004-331.36 (Attached recorded map in Exhibit B incorporated as "Attachment B" in the final SUP approval). Amendments to the existing SUP include administrative text amendments including, but not limited to, grammar, spelling, appropriate terminology related to uses and regulations, sentence structure, and improved written alignment with federal, state, and local regulations. Those administrative amendments do not cause substantial changes to restrictions, entitlements, area, or uses related to exploration and mining.

- 8.1.3 SUP No. 2000-222-A-3 does not prohibit, nullify, expand, broaden, or otherwise provide additional entitlement or restrictions (other than improved alignment with applicable federal, state, and local codes) to existing permitted exploration and mining and its ancillary uses permitted under SUP No. 2000-222-A-2.
- 8.1.4 The conditions of this amended SUP are not in conflict with the purpose, intent, and other specific requirements of the F Forestry Zone in which the project expansion is located.
- 8.1.5 The proposed project and the final conditions it creates will not conflict with or cause substantial adverse impacts to surrounding existing land uses.
- 8.1.6 The conditions under this amended SUP are at least as stringent as and not in conflict with the applicable federal, state, and county regulations. The minimum requirements under SCC Chapter 17.03 (Administrative Provisions) for special use permits are applied to the conditions of this amended SUP.
- 8.1.7 The conditions of approval under this amended SUP impose sufficient regulations on the proposed project to reasonably mitigate associated impacts on the surrounding environment and closest land uses.
- 8.1.8 The amended conditions and the remaining unchanged conditions the amended SUP comply with the land use requirements of the underlying regulatory zone and are as stringent and not in conflict with federal, state, and county regulations pertaining to the uses allowed by the amended SUP.
- 8.1.9 The amended conditions and the remaining unchanged conditions of the amended SUP are in accordance with the recommendation by the planning commission.
- **8.2 Motion for denial.** Should a motion be made to deny the requested SUP amendments, the following findings of fact with explanation why should be included in that motion.
- 8.2.1 Amendments creating SUP No. 2000-222-A-3 do not substantially conform to the terms, conditions, and design criteria of existing SUP No. 2000-222-A-2.
- 8.2.2 The proposed ore processing facility expansion, even with reasonable conditions and mitigation, will conflict with the purpose, intent, and other specific requirements set forth in the F Forestry Zone.
- 8.2.3 The proposed ore processing facility expansion, even with reasonable conditions and mitigation, will cause substantial adverse impacts to surrounding existing land uses.
- 8.2.4 The motion to deny SUP Application No. 2000-222-A-3 applies only to proposed amendments to the existing permitted SUP, such as expanded uses and land area. Said denial will have no effect or cause change to the entitlements, permitted uses, area of land applicable thereto, or verbiage now existing in SUP No. 2000-222-A-2.
- 8.2.5 The motion to deny is not in accordance with the recommendation by the planning commission.

IX. CONDITIONS OF APPROVAL

The following shows current text existing in SUP No. 2000-222-A-2 and proposed amendments thereto which will create SUP No 2000-222-A-3. Existing text is shown in (black); recommended text additions are shown (blue); and recommended deleted text is shown as (red strikeout). A clean copy of the conditions is contained in Addendum A to this report.

In accordance with the submitted SUP application, amendments recommended in this Section apply only to conditions in the existing SUP that pertain to processing, including but not limited to, crushing, processing and beneficiation, agglomeration, Merrill Crowe process, and ancillary uses thereto, located at Assessor's Parcel Number APN 004-331-36. Updates to other conditions of the entire SUP including, but not limited to, grammar, spelling, appropriate terminology related to uses, sentence structure, and improved written alignment with federal, state, and local regulations are also part of the recommendations.

The SUP boundary shown in **Exhibit A** (see notation in Exhibit A) and Merger and Resubdivision Parcel Map shown in **Exhibit B** herein of this report should be incorporated as "Attachment A" and "Attachment B", respectively, in the final SUP approval. All of the following conditions must be met to the satisfaction of Storey County Community Development Department Director and staff, unless otherwise noted:

- **A.** General Conditions: The conditions of approval in this Section apply to all uses under this special use permit.
 - 1. Special uses. Special Use Permit ("SUP") No. 2000-222-A-3 is for the purpose of mineral exploration, mining, and processing. This SUP shall be used pursuant to the approval of the Board of Storey County Commissioners with recommendation by the planning commission on property located within the boundaries of this SUP shown in incorporated Attachment A and Attachment B. Processing is limited to land within the boundaries shown in Attachment B, being all that certain parcel situated within all of the SE ¼ of the SW ¼ and portions of Government Lot 7, Government Lot 8 and Government Lot 12 of Section 6, Township 16 North, Range 21 East, M.D.B. & M., Storey County, Nevada, being Parcel 3 as shown and so designated on Merger and Re-subdivision Parcel Map, File No. 116315 in the Official Recorders of Storey County, Nevada. All operations under this SUP must comply with the requirements herein and federal, state, and county regulations. Issuance of this SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.
 - 2. Transfer of rights. This SUP will inure to the record owner(s) of the Subject Property and to the Permit Holder (Comstock Mining, Inc.) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in writing by Certified Mail to the Community Development Department at least 90 days prior to assignee taking over the project. The new owners/managers must sign and accept all conditions and requirements of this SUP.

- 3. Indemnification and insurance. The Permit Holder warrants that the future use of land will conform to federal, state, and county requirements; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain satisfactory liability insurance for all aspects of this operation under this SUP for a minimum amount of \$1,000,000.00 (one million dollars) and provide proof thereof to Storey County prior securing rights to this SUP.
- 4. **Site supervision.** Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County Emergency Services direct-connect 775-847-0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County Emergency Services Direct-Connect (775) 847-0950 (in lieu of 9-1-1) in case of emergency. Emergency 9-1-1 still is appropriate from land-line telephones.
- 5. Environmental controls. The Permit Holder must obtain applicable Nevada Division of Environmental Protection ("NDEP") Air, Dust Control, and Stormwater Permits and furnish the Community Development Department copies of the permits within 30 days of receipt for documentation purposes. All non-vegetated surfaces must be appropriately and consistently treated to mitigate fugitive dust and sand. Best Management Practices (BMPs) must be implemented as appropriate throughout the entire premises and egress points. No work may commence until there is compliance with NDEP and other federal, state, and county requirements. Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. Trees with trunks of 6" or more must be replaced with new trees of similar species (replacement during reclamation phases is appropriate). The site must comply with NRS 555.150 for preventing non-native plant species designated as noxious as provided therein. Noxious weed species include but are not limited to Tall Whitetop (perennial pepperweed), Hoary Cress, Russian Thistle, Dalmatian Toadflax, Scotch Thistle, etc.
- 6. Carson River Mercury Superfund Site ("CRMSS"). By accepting SUP No. 2000-222-A-3 the Permit Holder acknowledges that portions of the Subject Property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.

- 7. Sales tax reporting. All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rented) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.
- 8. Operations plan. The Permit Holder must submit a Plan of Operations to the Storey County Fire Protection District ("Fire District") and the Community Development and Emergency Management Departments for review and approval. At a minimum, the elements of the plan must include disaster management, Emergency Medical Services (EMS) and First-Aid response, transportation, surety bonding and reclamation, and environmental protection. Specific items to be included in the plan are as follows. The following list is not exhaustive; the Fire District and County may impose additional requirements that are necessary to meet the purpose and intent of these regulations and other federal, state, and county regulations. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to Fire District and Community Development Department for final review and approval.
 - Basic company, owner, site, and emergency contact information
 - Plot plan (detailed sketch drawings) of the premises, including phasing
 - Site evacuation and emergency procedure
 - Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services Direct Connect (775.847.0950)
 - Hazardous materials management plan
 - Wildland fire prevention and suppression
 - "Hot work" permitting
 - On-site water for wildland fire prevention and suppression
 - Access, circulation, and staging, including for emergency and non-emergency vehicles (plan must include maps, aerial imagery, and other necessary visuals)
 - Documenting and reporting of emergency situations
 - Post disaster management, cleanup, and material disposal
 - Post-disaster damage reporting for treatment of historic structures and properties
 - Site reclamation plan with surety bond and estimated timeline, including phasing
 - Documenting and reporting of NDEP and other environmental permits and notices
 - Noxious weed abatement
 - Stormwater management, air and water quality, noxious weed abatement, and BMPs
- 9. **Fire suppression**. The Permit Holder must maintain fire extinguishers throughout the premises to the satisfaction of the Fire District. Each device must be identified by large and brightly colored (i.e., red and white) identification which includes the words "FIRE EXTINGUISHER". Additionally, the Permit Holder will be held responsible for assuring that all vehicles and heavy equipment (e.g., tractors and other mobile equipment) are equipped with a 5 pound minimum ABC rated fire extinguisher. "Hot Work" may only take place as permitted by the Fire District.

- 10. Roadway approaches and drainage. Egress points abutting State Route 342 must comply with the requirements of the Nevada Department of Transportation (NDOT). Approaches to paved county right-of-way must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county roadway must be removed by the Permit Holder immediately as allowable by the NDEP and the National Environmental Policy Act (NEPA) regulations. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.
- 11. Lighting (non-exempt) and noise. SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to operations under this SUP. All operations, buildings, and equipment will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors. Noise emissions shall comply with SCC Chapter 8.04 and other applicable regulations.
- 12. **Reclamation and surety bonding**. A surety bond for reclamation is required under this SUP. A surety bond required by a federal or state agency (e.g., BLM and NDEP) overseeing the exploration, mining, and processing operation will fulfill this requirement when proof an approved reclamation plan and surety is submitted to the Community Development Department within 30 day of agency approval.
- 13. Cultural resources discovery. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and Storey County Community Development must be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.
- 14. Compliance and show cause. Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing or revocation based on any of the following reasons. The procedures for show-cause are pursuant to SCC Chapter 17.03 (Administrative Provisions).
 - Failure or refusal of the Permit Holder to comply with any terms or conditions of this SUP.
 - Any misrepresentation made in the application for this SUP and amendments hereto.
 - Any act or failure to act by the Permit Holder or its agents or employees directly related to the SUP which would be a violation of federal, state, or county laws.
 - Any act or failure to act by the Permit Holder or its agents or employees directly relating to the SUP that creates a public nuisance or is detrimental to the public health, safety, and welfare.
 - Failure to return a signed copy of the notice of decision, 21 days from receipt of said notice.

- Further use of a revoked SUP is a violation of Title 17 (Zoning) and will be punishable as provided in that Title and other County Codes.
- **B.** Exploration and Mining. The conditions of approval in this Section apply primarily to exploration and mining under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this Section may apply to other Sections in this SUP.
 - 1. All mining, milling, processing and exploratory drilling must be in compliance with state, federal and local codes, regulations and permits.
 - 15. **Mining Operations** will be allowed for open pit mining year round, 7 days a week, 24 hours a day.
 - 16. **Exploratory Drilling.** For any exploratory drilling, areas will be reclaimed at the conclusion of the drill programs. Total surface disturbance will be limited to less than one acre.
 - Before Blasting you shall notify Nevada Division of Forestry and Storey County dispatchcenter. You must comply with all requirements, laws and permits.
 - 17. **Use of explosives.** Blasting and use of explosives shall comply with SCC Section 17.92.110 (Use of Explosive Materials).
 - 18. **Transportation.** Ore, overburden, and other excavated materials may be transported throughout the land applicable to this special use permit and delivered from the permitted mining area to the processing site by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems in compliance with the Nevada Department of Transportation (NDOT) and the Mine Safety and Health Administration (MSHA), as applicable. The permit holder is responsible to repair damages to any county owned road, utility, or other infrastructure caused by activities associated with the uses under this special use permit. The repairs must be completed to the satisfaction of the county. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on any county-owned right-of-way.
 - 2. There shall be a sign posted stating the hours of operation at the entry of the Subject Property. Permit holder shall also install its legal address: 1200 American Flat Road for the operation at the entry of the subject property. Permit holder shall also have signs posted 500 feet before the main entry and at the back dirt road to the east of the facility

stating, "CAUTION, HEAVY DUTY TRUCKS AND EQUIPMENT" and "ALL VISITORS SHALL REPORT TO THE OFFICE."

- 19. **Signage.** Legible signage shall be placed at entry points of the premises near State Route 342 and at the processing site at 1200 American Flat Road during project phases. The sign(s) must state the name of company/organization, its street address (or descriptive location), contact phone number(s), and other information required by the Fire District. The signs must be at least 2 feet by 3 feet in size. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.
- B. Crushing, Processing, and Beneficiation. The conditions of approval in this Section apply primarily to crushing, processing, beneficiation, agglomeration, and related activities under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this Section may apply to other sections in this SUP.
 - 3. The Milling process will consist of the ore being crushed to four inch minus in size and agglomerated and put onto a state-permitted heap-leach pad.
 - 20. **Processing**. This SUP shall allow permitted crushing, processing, beneficiation, and agglomeration (including but not limited to the development and operation of cyanide processing heap leach pads), and ancillary uses (e.g., storage ponds, storage tanks, Merrill Crowe, conveyance systems, etc.) to occur at <u>American Flat at APN 004-331-36</u> (as shown in Attachment B herein) as allowable by the NDEP and other applicable federal and state regulatory agencies and laws. Associated activities may take place 24-hours per day, seven days per week.
 - 3. Processing: A dilute cyanide solution will be applied and the precious metals recovered via Merrill Crowe zinc precipitation process. In the event of any high-grade ores, they may be milled using a closed circuit mill and the tails placed on the lined leach pad.

As the state-permitted heap leach operations are planned for the ore processing the following stipulations must be adhered to:

- a. Cyanide must be kept in the specially designed tank that is alarmed as described on Page 2 of the introduction to said application.
- b. No mixing of hazardous materials shall take place on site.
- The tank will be located on a lined surface adjacent to a pond, which must be lined as well.

- d. The pond must be fenced and covered with netting or deterrent to prevent wildlifefrom entering.
- 21. **Distance to residences.** At the time of this SUP approval, there exists two single-family residences located approximately 600' from the Subject Property boundary. Crushing, processing, and uses involving hazardous materials (e.g., cyanide) shall remain more than 1,000' from existing residences. Uses such as roads, equipment storage, principal and accessory structures, security and buffer areas, ancillary uses, and stockpiling reclamation topsoil may take place anywhere within the Subject Property, including areas which are less than 1,000' from residences, so long as buildings conform to setback requirements in SCC 17.32.041.
- 22. Safety and security. Appropriate security measures shall be maintained on the premises to prevent unauthorized access to hazardous chemicals and materials, heap leach pads, ponds, equipment, buildings, related apparatus, etc. Federal and state regulations, at a minimum, must be in compliance. All permits required by the NDEP and State Fire Marshal's Office for hazardous materials storage shall be supplied by the Permit Holder to Community Development within 30 days of receipt. All storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open hydrological features containing cyanide and other hazardous substances must be treated appropriately to prevent wildlife access.
- 23. A monitoring well-Groundwater monitoring. Monitoring wells must be installed as directed by the NDEP to monitor the state-permitted heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from Storey County Building Community Development Department prior to drilling. Monitoring reports and other findings must be sent submitted to the Building Community Development Department on a quarterly basis when operations are active for the first year. during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination occur, then monitoring reports must be sent submitted to the Building Community Development Department bi-annually until full closure of mining processing facility.
- 24. Air monitoring. Air emissions, including dust and other airborne materials, shall conform to NDEP air permit limitations. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Community

Development Department within 30 days of receipt. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Community Development Department a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the County Community Development at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to abutting properties.

- 25. Applicant Water rights reporting. The Permit Holder shall provide proof of water rights to the Community Development Department prior to any appropriations of water.
- 3. A water storage tank shall be permitted and must be in compliance with the Storey County Fire Department regulations.
- 4. Per the Water Pollution Control Permit Application to the Bureau of Mining Regulations and Reclamation, Division of Environmental Protection, final approval from the State of Nevada Division of Environmental Protection must be provided to the Storey County Building & Planning office.
- 5. At the completion of the state-permitted heap leach mining process, you shall provide treatment of tailings at the site. You shall complete the flush-out process per NDEP requirement to dilute all the cyanide out of the mine tailings.
- 26. **Spill reporting**. Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 and Storey County Emergency Services (775.847.0950). Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management and Community Development Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and the Emergency Management and Community Development a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.
- C. Ancillary Operations Support Buildings and Utilities: The conditions of approval in this Section apply primarily to uses ancillary to the principal uses under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this section may apply to other sections in this SUP.

- 15. Two single wide mobile homes may be used as field mine office and for assay evaluation.

 Permits and inspections for said manufactured home / office will be required at Story

 County Building Department per State of Nevada Safety Seal requirements.
 - a. A State of Nevada Safety Seal permit for each unit and inspection are required by Storey County Building Department.
 - b. A Safety Office that shall provide a first aid response area must be established.
 - c. Sanitary-facilities must be provided for employees.
 - d. You shall provide a sewage holding tank capable to maintain your average use and a contract with an approved sewer company to service said holding tank(s).
- 27. **Temporary structures.** Temporary shelters and structures including, but not limited to, temporary facilities required by the Mine Safety and Health Administration (MSHA), may be erected on the premises. These structure(s) will be temporary and must be removed immediately following closure of the operations under this SUP. Removal of these structures from the site must be included in the Permit Holder's reclamation plan (see Plan of Operations). A Certificate of Historical and Architectural Appropriateness from the Comstock Historic District must be submitted to Community Development prior to issuance of a Building Permit for temporary and permanent structures.
- 28. **Septic system.** The Permit Holder may acquire a permit from the Community Development Director (or Building Official) to install a septic system and leach-field capable of serving administrative offices not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of associated buildings.
- 29. 16. You Watchman's quarters. The Permit Holder are is authorized to have an R.V. type trailer or manufactured building to serve as living quarters for onsite security (i.e. watchman's quarters).
 - a. A temporary (six months) permit from Storey County Building the Community Development Department must be obtained for this watchman's quarters and the permit must be renewed every six months thereafter. These provisions may be precluded by the requirements of the Comstock Historic District. Said structures and/or R.V. must be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.
- 17. You must provide a Certificate of Appropriateness from the Comstock Historic Commission to place any manufactured homes or R.V. in this area.
- 18. Said manufactured homes and R.V. must be removed when mining and milling ceases and all areas reclaimed to the original use.

- 19. Noise. If a generator is used on site, it must be muffled or in an enclosed building.
- 20. You shall contact Storey County Fire Department and comply with all their requirementsfor fire protection and water storage requirements.
- 21. If any of these requirements are not in full compliance, said special use permit is null and void. Storey County will, at the time of non-compliance of regulations, notify the applicant and give him a time period to come into compliance with said special use permit.

 However, if there is a life-safety or environmental violations, Special Use Permit #2000-222 a Land any subse2uent addendums and/or modifications immediately become null and void.

Reclamation Bonding and Insurance:

- 22. You shall provide proof of the existing bond posted with the State of Nevada Division of Mining Regulations and Reclamation for the operation of your mining and milling facility. Said bond shall be for the purpose of reclamation guarantee at the completion of your operation.
- 22. You shall provide a reclamation plan that must be approved by Storey County Building-Department and any and all appropriate federal and state agencies having jurisdiction over your operation. All mill operations, office trailers / manufacture homes, and fencing are of a temporary nature and will be removed when the mining and milling operation iscompleted.
- 24. You shall provide proof of insurance for all aspects of this special use permit exploration / mining / milling and support structures to Storey County in the amount of a minimum of one million dollars (\$1,000,000.00). If insurance lapses, the insurance company must-notify Storey County. If at any time your insurance lapses, your special use permit will be void.
- 25. Should any prehistoric or historic remains / artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and the Storey County Board of Commissioners shall be notified in order to evaluate said site and if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains and artifacts. Please call 775-847-0968.
- 26. Be advised that your original application packet including all submittals is incorporated and shall become a part of these approved stipulations as support documentation.

X. POWER OF THE BOARD AND PLANNING COMMISSION

The Board of County Commissioners has the power to make planning and zoning decisions for Storey County and has created the planning commission to advise the Board as provided in Title 2 of the Storey County Code ("SCC") and NRS 278 and 278A. The planning commission must perform all duties and functions delegated to a county planning commission by the terms of NRS 278.010 to 278.630, inclusive, and SCC Chapter 2.12 (Planning Commission). The planning commission is advisory to the Board. The planning commission must hear applications on special use permits, variances, and appeals of administrative decisions, changes to the county master plan, zoning districts, amendments to SCC Title 18, and all other appropriate subjects and make recommendations to the Board. After considering the planning commission's recommendation, the Board by majority vote may approve, approve with conditions, or deny the application, or return the recommendation to the planning commission for further consideration.

XI. PROPOSED MOTIONS

This section contains 2 motions from which to choose. The motion for approval is recommended by staff and the planning commission in accordance with Findings under Subsection 8.1. Those Findings should be made part of that motion. Motion 2 for denial may be made and that motion should cite one or more of the Findings shown in Subsection 8.2. Other findings of fact determined appropriate by the Board should be made part of their motion.

A. Recommended motion. Based on Findings of Fact shown in Subsection 8.1, conditions of approval shown in Section IX [9] of this report, and compliance with federal, State, and county regulations, and the recommendation for approval by staff and the planning commission, I motion to approve SUP Application No. 2000-222-A-3 amending SUP No. 2000-222-A-2 to permit expansion of the current SUP boundaries to include all land within existing parcel (Assessor Parcel Number) APN 004-331-36 illustrated in Exhibit B of this report and incorporated in the amended SUP as "Attachment B", and to allow uses in the SUP therein including, but not limited to, crushing, processing and beneficiation, agglomeration, and ancillary uses.

Summary: Approve expansion of heap leach and processing area

B. <u>Alternative motion</u>. Based on Findings of Fact shown in Subsection 8.2 and against the recommendation by staff and the planning commission, I motion to deny SUP Application No. 2000-222-A-3 amending SUP No. 2000-222-A-2 to permit expansion of the current SUP boundaries to include all land within existing parcel (Assessor Parcel Number) APN 004-331-36 included in Exhibit B of this report. The motion to deny SUP No. 2000-222-A-3 will apply only to proposed amendments in SUP Application No. 2000-222-A-3 and will have no impact and will cause no change to entitlements, regulations, and uses which may occur pursuant to SUP No. 2000-222-A-2.

Summary: Deny expansion of heap leach and processing area.

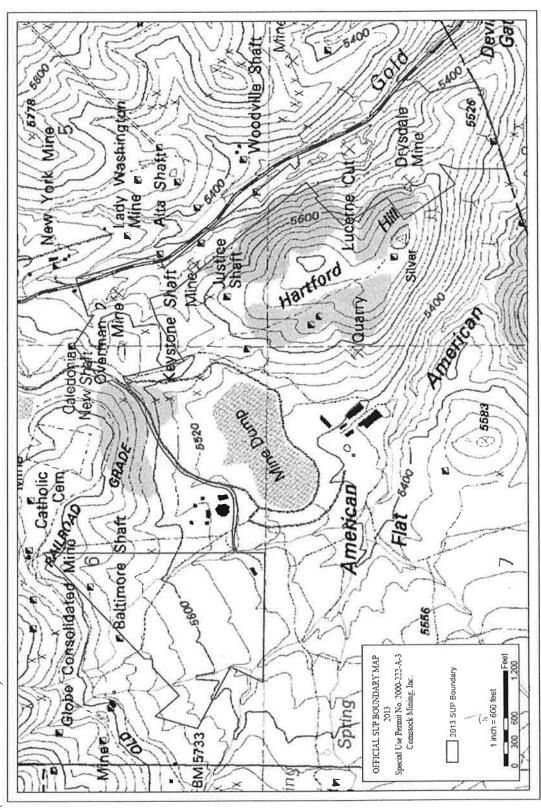
Prepared by Austin Osborne, Senior Planner

Exhibits: (A) SUP boundary map; (B) Merger and Re-subdivision Parcel Map; (C) aerial image and drawings of proposed processing area; (D) existing SUP conditions

OFFICIAL SUP BOUNDARY MAP 2013 Special Use Permit No. 2000-222-4-3 Comstock Mining, Inc. 2013 SUP Boundary 1 inch = 600 feet

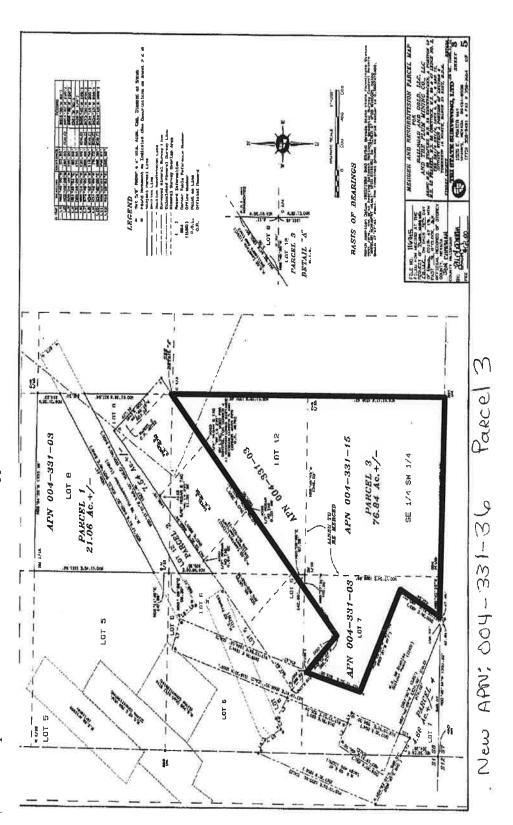
Exhibit A: Boundaries of SUP No. 2000-222-A-3. (To be incorporated as "Attachment A" into the SUP Approval Letter)

(Exhibit A continued)



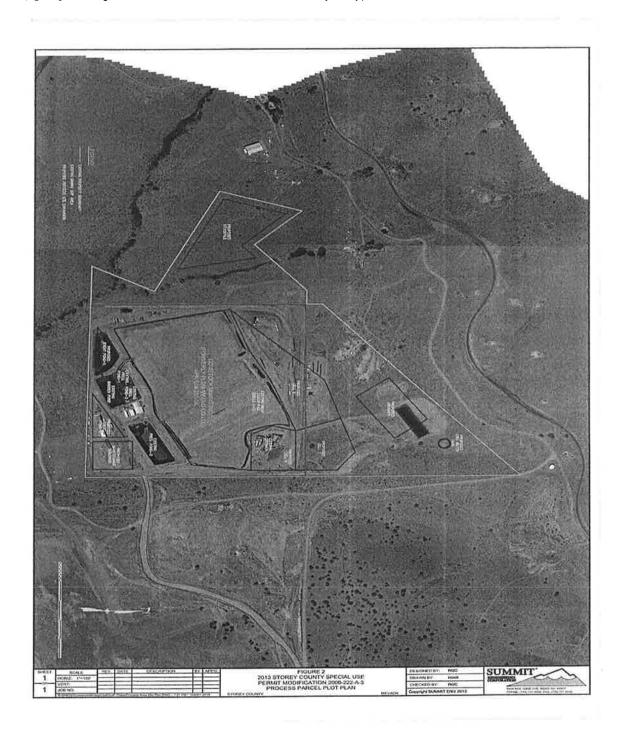
6/21/2013

Exhibit B: Boundaries of SUP No. 2000-222-A-3 (processing area only). (To be incorporated as "Attachment B" into the SUP Approval Letter.

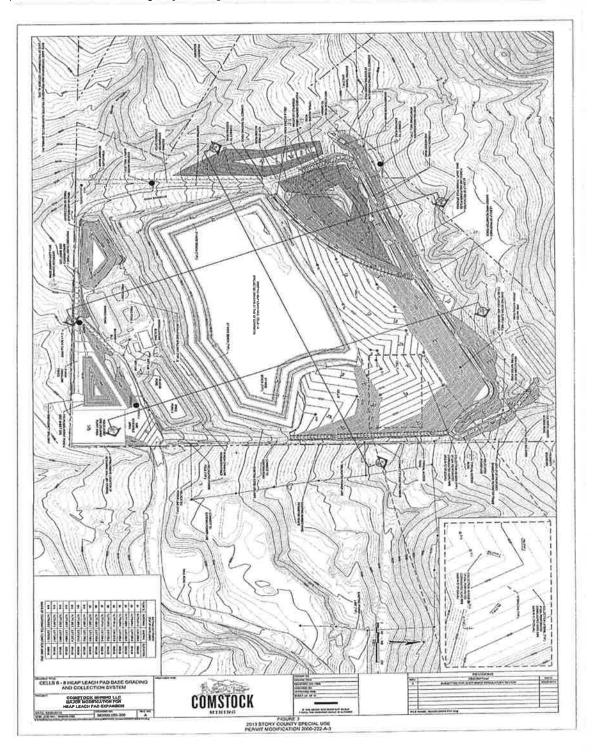


6/21/2013

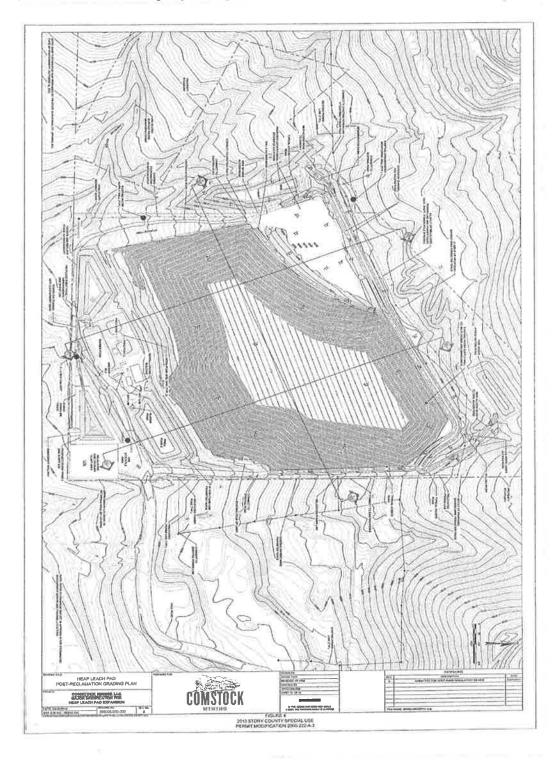
Exhibit C: Aerial image with processing site overlay and site drawings (Specific site plans within the SUP boundaries may vary)



(Exhibit C continued: Specific site plans within the SUP boundaries may vary)



(Exhibit C continued: Specific site plans within the SUP boundaries may vary)



(Exhibit C continued: Specific site plans within the SUP boundaries may vary)

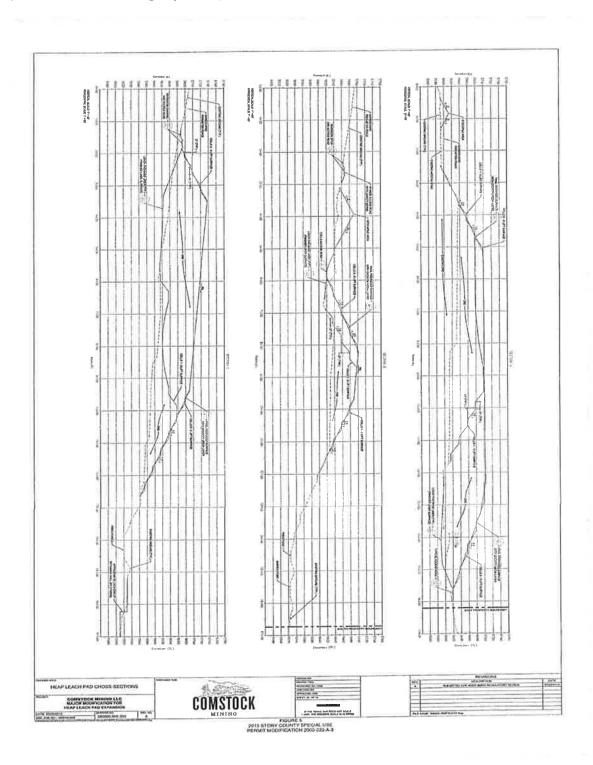


Exhibit D: SUP No. 2000-222-A-1 (and 2012 Condition #5 amendment thereto)

Storey County Planning Department P O Box 526

Virginia City, Nevada 89440 Phone: (775) 847-0966 Fax: 847-0935

April 30, 2004

Steve Parent The Plum Mining Co., LLC P O Box 207 Silver City NV 89428

Re: Special Use Permit #2000-222-A-1

Dear Mr. Parent:

On April 20, 2004, the Storey County Planning Commission heard Plum Mining's request for a modification (SUP 2000-A-1) to existing SUP 2000-222-A; to allow mining of the Billy the Kid and Lucerne Pit year-round, seven (7) days a week including processing of the ores at the American Flat facility year-round, 24 hours a day. Following David Solari's presentation, the Storey County Board of Commissioners gave approval to your Special Use modification (2000-222-A-1), maintaining the following:

- * The first modification (2000-222-A) allows for three (3) months of mining during the fall / winter seasons; namely November, December and January, instead of springtime.
- * The original Special Use Permit (2000-222) allows mining, milling and processing ore in an open pit mining operation three (3) months a year in the springtime, five (5) days a week, twelve (12) hours a day.

Stipulations for Special Use Permit 2000-222-A-1:

- All mining, milling, processing and exploratory drilling must be in compliance with state, federal and local codes, regulations and permits.
- Mining operations will be allowed for open pit mining year round, 7 days a week, 24 hours a day.
- 3) Drilling: For any exploratory drilling, areas will be reclaimed at the conclusion of the drill programs. Total surface disturbance will be limited to less than one acre.
- 4) **Before Blasting**, you shall notify Nevada Division of Forestry and Storey County Dispatch center. You must comply with all requirements, laws and permits.

- 5) Ore will be delivered from the Billy the Kid and Lucerne Pit in 10 wheel dump rucks and delivered to the There will be no See following document for amended #5 ess roads.
- 6) There shall be a sign posted stating the hours of operation at the entry of the subject property. Permit holder shall also install its legal address: 1200 American Flat Road for the operation at the entry of the subject property. Permit holder shall also have signs posted 500 feet before the main entry and at the back dirt road to the east of the facility stating, "CAUTION, HEAVY DUTY TRUCKS AND EQUIPMENT" and "ALL VISITORS SHALL REPORT TO THE OFFICE".
- 7) The Milling process will consist of the ore being crushed to four inch minus in size and agglomerated and put onto a state-permitted heap leach pad.
- 8) Processing: A dilute cyanide solution will be applied and the precious metals recovered via Merril Crowe zinc precipitation process. In the event of any high-grade ores, they may be milled using a closed circuit mill and the tails placed on the lined leach pad.
- 9) As the state-permitted heap-leach operations are planned for the ore processing the following stipulations must be adhered to:
 - a. Cyanide must be kept in the specially designed tank that is alarmed as described on Page 2 of the introduction of said application.
 - b. No mixing of hazardous materials shall take place on site.
 - The tank will be located on a lined surface adjacent to a pond, which must be lined as well.
 - The pond must be fenced and covered with netting or a deterrent to prevent wildlife from entering.
- 10) A monitoring well must be installed to monitor the state-permitted heap leach process. A well permit shall be obtained from Storey County Building Department prior to drilling. Monitoring reports must be sent to the Building Department on a quarterly basis when operations are active for the first year. If no signs of leakage occur, then monitoring reports must be sent to the Building Department bi-annually until full closure of mining facility.
- 11) Applicant shall provide proof of water rights.
- 12) A water storage tank shall be permitted and must be in compliance with the Storey County Fire Department regulations.
- 13) Per the Water Pollution Control Permit Application to the Bureau of Mining Regulations and Reclamation, Division of Environmental Protection, final approval from the State of Nevada Division of Environmental Protection must be provided to the Storey County Building & Planning office.
- 14) At the completion of the state-permitted heap leach mining process, you shall provide treatment of tailings at the site. You shall complete the flush out process per NDEP requirements to dilute all the cyanide out of the mine tailings.

Ancillary Operations - Support Buildings and Utilities:

- 15) Two singlewide mobile homes may be used as field mine office and for assay evaluation. Permits and inspections for said manufactured home / office will be required at Storey County Building Department per State of Nevada Safety Seal requirements.
 - a) A State of Nevada Safety Seal permit for each unit and inspection are required by Storey County Building Department.
 - b) A Safety Office that shall provide a first aid response area must be established.
 - c) Sanitary facilities must be provided for employees.
 - d) You shall provide a sewage holding tank capable to maintain your average use and a contract with an approved sewer company to service said holding tank(s).
- 16) You are authorized to have an R.V. type trailer to serve as living quarters for on site security (i.e. watchman's quarters).
 - a) A temporary (six months) permit from Storey County Building Department must be obtained for this watchman's quarters and must be renewed every six months.
- 17) You must provide a *Certificate of Appropriateness* from the Comstock Historic Commission to place any manufactured homes or R.V. in this area.
- 18) Said manufactured homes and R.V. must be removed when mining and milling ceases and all areas reclaimed to the original use.
- 19) If a generator is used on site, it must be muffled or in an enclosed building.
- 20) You shall contact Storey County Fire Department and comply with all their requirements for fire protection and water storage requirements.
- 21) If any of these requirements are not in full compliance, said special use permit is null and void. Storey County will, at the time of non-compliance of regulations, notify the applicant and give him a time period to come into compliance with said special use permit. However, if there is a life-safety or environmental violation, Special Use Permit #2000-222-A-1 and any subsequent addendums and/or modifications immediately become null and void.

Reclamation Bonding and Insurance:

- 22) You shall provide proof of the existing bond posted with the State of Nevada Division of Mining Regulations and Reclamation for the operation of your mining and milling facility. Said bond shall be for the purpose of reclamation guarantee at the completion of your operation.
- 23) You shall provide a reclamation plan that must be approved by Storey County Building Department and any and all appropriate federal and state agencies having jurisdiction over your operation. All mill operations, office trailers / manufactured homes, and fencing are of a temporary nature and will be removed when the mining and milling operation is completed.
- 24) You shall provide proof of insurance for all aspects of this special use permit exploration / mining / milling and support structures to Storey County in the amount of a minimum of one

million dollars (\$1,000,000.00). If insurance lapses, the insurance company must notify Storey County. If at any time your insurance lapses, your special use permit will be void.

- 25) Should any prehistoric or historic remains / artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site, and the Storey County Board of Commissioners shall be notified in order to evaluate said site and if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains and artifacts. Please call 775-847-0968,
- 26) Be advised that your original application packet including all submittals is incorporated and shall become a part of these approved stipulations as support documentation.

Enclosed is an approved copy of the application and minutes of both meetings for your records. However, please be aware that there is a one-year time limit on the special use permit. If no significant development proceeds within a one-year period, the permit will be void. The one-year time frame regarding this stipulation begins with the date of the County Commissioners' approval of the special use permit.

"Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations."

Should you have any questions or require anything further in regards to your special use permit, please contact our office at (775) 847-0966.

LIST of ENCLOSURE(s)

Exhibit 1	Original Application
Approval fo above.	r Special Use Permit #2000-222-A-1 is hereby granted with stipulations as noted Dear Haymore, Administrator
	Building Official & Planning Administrator
STATE of	STOREY SS:
COUNTY of	STOREY
appeared before	day of July in the year 2004 Seas HAYMORE personally re me and proved to me on the basis of satisfactory evidence to be the person(s) whose
name(s) ary	becibed to this instrument, and acknowledge they executed it. K. EDWARDS
	Notary Public - State of Nevada Witness by my hand and official seal: Appointment Recorded in County of Storey
199	51903-16 M/ Appointment Expres Feb. 12, 2007 Notary's Signature
	My commission expires: 7-12-07
Applicant Acce	

The terms and conditions of this Confirmation of Special Use Permit #2000-222-A-1 (formerly #2000-222-A), are accepted by The Plum Mining Co., LLC the Record Owner for which this permit is issued.

STATE of

COUNTY of

On this 6th day of Aug in the year 200 f. STEPHEN 5. MREENT personally appeared before me and proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) are subscribed to this instrument, and acknowledge they executed it.

> K. EDWARDS Notary Public - State of Nevada Appointment Recorded in County of Storey My Appointment Expires Feb. 12, 2007

Witness by my hand and official seal:

My commission expires:

Exhibit D continued: Condition #5 was amended as follows. (Amended SUP No. 2000-222-A-2)

Storey County Community Bevelopment



110 Toll Road ~ Gold Hill Divide P O Box 526 ~ Virginia City NV 89440 (775) 847-0966 ~ Fax (775) 847-0935 CommunityDevelopment@storeycounty.org

November 20, 2012

The Plum Mining Company, LLC Comstock Mining, Inc. PO Box 1118 Virginia City, NV 89440

Re: Amendment to Condition #5 of Special Use Permit (SUP) No. 2000-222-A-1, creating SUP No. 2000-222-A-2 (amended)

Dear Applicants:

On July 19, 2012, the Storey County Planning Commission heard your application request for a Condition Amendment to SUP No. 2000-222-A-1 (Application No. 2000-222-A-2) to allow unlimited vehicle use within the special use permit boundary and to allow licensed vehicles on the state highway in accordance with the Nevada Revised Statutes, Nevada Department of Transportation, and Mine Safety and Health Administration, as applicable. The Planning Commission recommended Approval.

On November 13, 2012, the Storey County Board of Commissioners unanimously approved SUP Application No. 2000-222-A-2 to amend Condition #5 of the SUP as follows:

Ore, overburden, and other excavated materials may be transported throughout the land applicable to this special use permit and delivered from the permitted mining area to the processing site by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems in compliance with the Nevada Department of Transportation (NDOT) and the Mine Safety and Health Administration (MSHA), as applicable. The permit holder is responsible to repair damages to any county owned road, utility, or other infrastructure caused by activities associated with the uses under this special use permit. The repairs must be completed to the satisfaction of the county. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on any county-owned right-of-way.

If you have any questions, please contact Community Development Department, Planning Division at 775-847-0966.

Austin Osborne, Senior Planner

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1 of 1

Staff Report Addendum A

Board of Storey County Commissioners

SUP Case No. 2000-222-A-3 (Comstock Mining, Inc.)

Clean-Copy/No Markup for Staff Report Recommended Conditions

The following corresponds to Section IX (Conditions of Approval) in the staff report for SUP Case No. 2000-222-A-3. It shows all recommended conditions contained therein exactly as written but with no markup and editing.

Recommended conditions:

- **A.** General Conditions: The conditions of approval in this Section apply to all uses under this special use permit.
 - 1. Special uses. Special Use Permit ("SUP") No. 2000-222-A-3 is for the purpose of mineral exploration, mining, and processing. This SUP shall be used pursuant to the approval of the Board of Storey County Commissioners with recommendation by the planning commission on property located within the boundaries of this SUP shown in incorporated Attachment A and Attachment B. Processing is limited to land within the boundaries shown in Attachment B, being all that certain parcel situated within all of the SE ¼ of the SW ¼ and portions of Government Lot 7, Government Lot 8 and Government Lot 12 of Section 6, Township 16 North, Range 21 East, M.D.B. & M., Storey County, Nevada, being Parcel 3 as shown and so designated on Merger and Re-subdivision Parcel Map, File No. 116315 in the Official Recorders of Storey County, Nevada. All operations under this SUP must comply with the requirements herein and federal, state, and county regulations. Issuance of this SUP does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private property rights, or any infringement of state or local laws or regulations.
 - 2. Transfer of rights. This SUP will inure to the record owner(s) of the Subject Property and to the Permit Holder (Comstock Mining, Inc.) and will run with the land. Any and all transfers of this SUP to other persons, agencies, corporations, or entities must be advised in writing by Certified Mail to the Community Development Department at least 90 days prior to assignee taking over the project. The new owners/managers must sign and accept all conditions and requirements of this SUP.
 - 3. Indemnification and insurance. The Permit Holder warrants that the future use of land will conform to federal, state, and county requirements; further, the Permit Holder warrants that continued and future use of the land shall so conform. The Permit Holder and property owner(s) agree to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this SUP. The Permit Holder must maintain

satisfactory liability insurance for all aspects of this operation under this SUP for a minimum amount of \$1,000,000.00 (one million dollars) and provide proof thereof to Storey County prior securing rights to this SUP.

- 4. **Site supervision.** Site and staff supervision must comply with Mine Safety and Health Administration (MSHA) requirements. Supervisors must have knowledge of and immediate access to fire suppression devices, First-Aid kits, and locked gates. While on the premises, the on-site supervisor(s) must possess a cellular telephone with adequate signal to send and receive signals to and from Storey County Emergency Services direct-connect 775-847-0950. All staff using cellular phones must be directed by the Permit Holder or his/her designed to dial Storey County Emergency Services Direct-Connect (775) 847-0950 (in lieu of 9-1-1) in case of emergency. Emergency 9-1-1 still is appropriate from land-line telephones.
- 5. Environmental controls. The Permit Holder must obtain applicable Nevada Division of Environmental Protection ("NDEP") Air, Dust Control, and Stormwater Permits and furnish the Community Development Department copies of the permits within 30 days of receipt for documentation purposes. All non-vegetated surfaces must be appropriately and consistently treated to mitigate fugitive dust and sand. Best Management Practices (BMPs) must be implemented as appropriate throughout the entire premises and egress points. No work may commence until there is compliance with NDEP and other federal, state, and county regulations. Trees, shrubs, and other vegetation and ground surfaces must be preserved to the extent feasible. Trees with trunks of 6" or more must be replaced with new trees of similar species (replacement during reclamation phases is appropriate). The site must comply with NRS 555.150 for preventing non-native plant species designated as noxious as provided therein. Noxious weed species include but are not limited to Tall Whitetop (perennial pepperweed), Hoary Cress, Russian Thistle, Dalmatian Toadflax, Scotch Thistle, etc.
- 6. Carson River Mercury Superfund Site ("CRMSS"). By accepting SUP No. 2000-222-A-3 the Permit Holder acknowledges that portions of the Subject Property may be within or applicable to the CRMSS. Properly managing disturbances of existing and former mine and mill sites, mill tailings, mine waste, mine material, and other areas that are found to contain Contaminant of Concern (CoC's) as applicable to the CRMSS will be the sole responsibility of the Permit Holder as communicated thereto by the NDEP Bureau of Corrective Actions. Handling, redistributing or reprocessing CoC impacted materials by the Permit Holder shall be completed in accordance with the NDEP Bureau of Corrective Actions.
- 7. Sales tax reporting. All material and equipment purchased for the project must as possible be received in Storey County and the value reported as "County-of-Delivery" on the Nevada Department of Taxation Form TPI-02.01 "Combined Sales and Use Tax Return". The Permit Holder must also report the value for all materials and equipment (personal and rented) "used" on this project as "Use Tax" on TPI-02.01 or TPI-02.02.

- 8. Operations plan. The Permit Holder must submit a Plan of Operations to the Storey County Fire Protection District ("Fire District") and the Community Development and Emergency Management Departments for review and approval. At a minimum, the elements of the plan must include disaster management, Emergency Medical Services (EMS) and First-Aid response, transportation, surety bonding and reclamation, and environmental protection. Specific items to be included in the plan are as follows. The following list is not exhaustive; the Fire District and County may impose additional requirements that are necessary to meet the purpose and intent of these regulations and other federal, state, and county regulations. Requirements of State and federal agencies which fulfill the following may suffice when documentation thereof is submitted to Fire District and Community Development Department for final review and approval.
 - Basic company, owner, site, and emergency contact information
 - Plot plan (detailed sketch drawings) of the premises, including phasing
 - Site evacuation and emergency procedure
 - Emergency contact procedures, including for the NDEP, Dispatch 9-1-1, and Storey County Emergency Services Direct Connect (775.847.0950)
 - Hazardous materials management plan
 - Wildland fire prevention and suppression
 - "Hot work" permitting
 - On-site water for wildland fire prevention and suppression
 - Access, circulation, and staging, including for emergency and non-emergency vehicles (plan must include maps, aerial imagery, and other necessary visuals)
 - Documenting and reporting of emergency situations
 - Post disaster management, cleanup, and material disposal
 - Post-disaster damage reporting for treatment of historic structures and properties
 - Site reclamation plan with surety bond and estimated timeline, including phasing
 - Documenting and reporting of NDEP and other environmental permits and notices
 - Noxious weed abatement
 - Stormwater management, air and water quality, noxious weed abatement, and BMPs
- 9. **Fire suppression**. The Permit Holder must maintain fire extinguishers throughout the premises to the satisfaction of the Fire District. Each device must be identified by large and brightly colored (i.e., red and white) identification which includes the words "FIRE EXTINGUISHER". Additionally, the Permit Holder will be held responsible for assuring that all vehicles and heavy equipment (e.g., tractors and other mobile equipment) are equipped with a 5 pound minimum ABC rated fire extinguisher. "Hot Work" may only take place as permitted by the Fire District.
- 10. Roadway approaches and drainage. Egress points abutting State Route 342 must comply with the requirements of the Nevada Department of Transportation (NDOT). Approaches to paved county right-of-way must be sufficient to prevent mud and debris tracking from the site onto the public roadway. Any mud or debris tracked onto the county roadway must be removed by the Permit Holder immediately as allowable by the NDEP and the National

Environmental Policy Act (NEPA) regulations. Mud, sand, and debris must not be allowed to adversely impact existing drainage systems.

- 11. Lighting (non-exempt) and noise. SCC Chapter 8.02 ("Dark Skies") limits outdoor lighting that may impact adjacent land uses. Exemptions for "temporary lighting" in the Code (which normally apply to such activities as road construction, and may appear to apply to mining and processing operations) will not apply to operations under this SUP. All operations, buildings, and equipment will be required to comply with the strictest regulations under the Code (shield lighting) to ensure minimal impacts to neighbors. Noise emissions shall comply with SCC Chapter 8.04 and other applicable regulations.
- 12. **Reclamation and surety bonding**. A surety bond for reclamation is required under this SUP. A surety bond required by a federal or state agency (e.g., BLM and NDEP) overseeing the exploration, mining, and processing operation will fulfill this requirement when proof an approved reclamation plan and surety is submitted to the Community Development Department within 30 day of agency approval.
- 13. Cultural resources discovery. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site and Storey County Community Development must be notified in order to evaluate the site and, if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to a minimum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts.
- 14. Compliance and show cause. Storey County may refer this SUP to the Board of County Commissioners for show-cause hearing or revocation based on any of the following reasons. The procedures for show-cause are pursuant to SCC Chapter 17.03 (Administrative Provisions).
 - Failure or refusal of the Permit Holder to comply with any terms or conditions of this SUP.
 - Any misrepresentation made in the application for this SUP and amendments hereto.
 - Any act or failure to act by the Permit Holder or its agents or employees directly related to the SUP which would be a violation of federal, state, or county laws.
 - Any act or failure to act by the Permit Holder or its agents or employees directly relating to the SUP that creates a public nuisance or is detrimental to the public health, safety, and welfare.
 - Failure to return a signed copy of the notice of decision, 21 days from receipt of said notice.
 - Further use of a revoked SUP is a violation of Title 17 (Zoning) and will be punishable as provided in that Title and other County Codes.

- **B.** Exploration and Mining. The conditions of approval in this Section apply primarily to exploration and mining under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this Section may apply to other Sections in this SUP.
 - 15. **Mining Operations** will be allowed for open pit mining year round, 7 days a week, 24 hours a day.
 - 16. **Exploratory Drilling.** For any exploratory drilling, areas will be reclaimed at the conclusion of the drill programs. Total surface disturbance will be limited to less than one acre.
 - 17. **Use of explosives.** Blasting and use of explosives shall comply with SCC Section 17.92.110 (Use of Explosive Materials).
 - 18. **Transportation.** Ore, overburden, and other excavated materials may be transported throughout the land applicable to this special use permit and delivered from the permitted mining area to the processing site by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems in compliance with the Nevada Department of Transportation (NDOT) and the Mine Safety and Health Administration (MSHA), as applicable. The permit holder is responsible to repair damages to any county owned road, utility, or other infrastructure caused by activities associated with the uses under this special use permit. The repairs must be completed to the satisfaction of the county. The county reserves the right to restrict or prohibit the use of trucks and heavy equipment on any county-owned right-of-way.
 - 19. **Signage.** Legible signage shall be placed at entry points of the premises near State Route 342 and at the processing site at 1200 American Flat Road during project phases. The sign(s) must state the name of company/organization, its street address (or descriptive location), contact phone number(s), and other information required by the Fire District. The signs must be at least 2 feet by 3 feet in size. Appropriate signage must be installed on and around the premises stating rules for entry and circulation (e.g., no trespassing, travel permitted only on designated pathways, etc.). Directional signs must be placed at intersections of public ways and mine haul roads, and other places along public ways to appropriately direct the public, residents, and other users in the area.
- **B.** Crushing, Processing, and Beneficiation. The conditions of approval in this Section apply primarily to crushing, processing, beneficiation, agglomeration, and related activities under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere

in this SUP may apply to this Section, and, conditions stated in this Section may apply to other sections in this SUP.

- 20. **Processing**. This SUP shall allow permitted crushing, processing, beneficiation, and agglomeration (including but not limited to the development and operation of cyanide processing heap leach pads), and ancillary uses (e.g., storage ponds, storage tanks, Merrill Crowe, conveyance systems, etc.) to occur at **American Flat at APN 004-331-36** (as **shown in Attachment B herein**) as allowable by the NDEP and other applicable federal and state regulatory agencies and laws. Associated activities may take place 24-hours per day, seven days per week.
- 21. **Distance to residences.** At the time of this SUP approval, there exists two single-family residences located approximately 600' from the Subject Property boundary. Crushing, processing, and uses involving hazardous materials (e.g., cyanide) shall remain more than 1,000' from existing residences. Uses such as roads, equipment storage, principal and accessory structures, security and buffer areas, ancillary uses, and stockpiling reclamation topsoil may take place anywhere within the Subject Property, including areas which are less than 1,000' from residences, so long as buildings conform to setback requirements in SCC 17.32.041.
- 22. Safety and security. Appropriate security measures shall be maintained on the premises to prevent unauthorized access to hazardous chemicals and materials, heap leach pads, ponds, equipment, buildings, related apparatus, etc. Federal and state regulations, at a minimum, must be in compliance. All permits required by the NDEP and State Fire Marshal's Office for hazardous materials storage shall be supplied by the Permit Holder to Community Development within 30 days of receipt. All storage, maintenance of hazardous materials, protective devices (e.g., fencing, gates, etc.), and site monitoring (e.g., on-site security, alarm systems, etc.) shall comply with Fire District, Sheriff's Office, and applicable state and federal agency requirements. Open hydrological features containing cyanide and other hazardous substances must be treated appropriately to prevent wildlife access.
- 23. **Groundwater monitoring.** Monitoring wells must be installed as directed by the NDEP to monitor the heap leach process and overall processing facility for possible groundwater contamination. A well permit shall be obtained from Community Development Department prior to drilling. Monitoring reports and other findings must be submitted to the Community Development Department on a quarterly basis when operations are active during the first year of operations, including for heap leach pad expansions. If no signs of leakage or other groundwater contamination

occur, monitoring reports must be submitted to the Community Development Department bi-annually until full closure of processing facility.

- 24. Air monitoring. Air emissions, including dust and other airborne materials, shall conform to NDEP air permit limitations. Copies of annual reports of environmental quality, necessary to comply with the requirements of the permit(s) issued by the NDEP Bureau of Air Pollution Control, shall be submitted to the Community Development Department within 30 days of receipt. In the event that there is an air discharge in excess of the standards approved by the NDEP under construction phase or operation phase permit(s), the Permit Holder shall provide the Community Development Department a copy of any notice within 24 hours of Permit Holder's receipt. If the Permit Holder is required by the NDEP to prepare a report on the event, the Permit Holder shall submit a copy of the report to the County Community Development at the same time it is submitted to the NDEP. There shall be no obnoxious odors released into the air that are a nuisance to abutting properties.
- 25. Water rights reporting. The Permit Holder shall provide proof of water rights to the Community Development Department prior to any appropriations of water.
- 26. Spill reporting. Any hydrocarbon or chemical spill of or exceeding 25 gallons or 3 cubic-yards shall be reported immediately to Emergency Dispatch 9-1-1 and Storey County Emergency Services (775.847.0950). Additionally, the incident must be immediately reported to the NDEP and the local jurisdiction, including the Fire District and the Emergency Management and Community Development Departments. The Permit Holder must comply with NDEP clean-up requirements and provide the Fire District and the Emergency Management and Community Development a copy of NDEP completion of remediation immediately. All hazardous materials incident clean-up and response costs will be borne by the Permit Holder as part of the issuance of this SUP. Incidents exceeding a standard First-Alarm fire will be billed to the Permit Holder. If mutual aid is warranted to suppress an incident, those costs will also be funded by the Permit Holder.
- C. Ancillary Operations Support Buildings and Utilities: The conditions of approval in this Section apply primarily to uses ancillary to the principal uses under this SUP. The listed requirements in this Section are not exhaustive; conditions stated elsewhere in this SUP may apply to this Section, and, conditions stated in this section may apply to other sections in this SUP.
 - 27. **Temporary structures.** Temporary shelters and structures including, but not limited to, temporary facilities required by the Mine Safety and Health Administration (MSHA), may be erected on the premises. These structure(s) will be temporary and must be removed immediately following closure of the operations under this SUP. Removal of these structures from the site must be included in the Permit Holder's reclamation plan (see Plan

Correspondence to Staff Report – 2000-222-A-3 Comstock Mining, Inc.

of Operations). A Certificate of Historical and Architectural Appropriateness from the Comstock Historic District must be submitted to Community Development prior to issuance of a Building Permit for temporary and permanent structures.

- 28. Septic system. The Permit Holder may acquire a permit from the Community Development Director (or Building Official) to install a septic system and leach-field capable of serving administrative offices not accessible to a municipal sewerage system. The septic systems shall be removed and reclaimed by the Permit Holder as required by NRS at closure or removal of associated buildings.
- 29. **Watchman's quarters.** The Permit Holder is authorized to have an R.V. type trailer or manufactured building to serve as living quarters for onsite security (i.e. watchman's quarters).
 - a. A temporary (six months) permit from the Community Development Department must be obtained for this watchman's quarters and the permit must be renewed every six months thereafter. These provisions may be precluded by the requirements of the Comstock Historic District. Said structures and/or R.V. must be removed from the premises within 30 days of closure of the operation or when operations under this SUP cease to operate for a period of 24 months or longer.

Please contact the Planning Division at 775.847.0966 or 775.847.0968 if there are further questions or concerns.

Sincerely,

Austin Osborne Senior Planner



Storey County Community Development Planning Division

110 Toll Road, Virginia City, NV 89440
Phone: (775) 847-0966 Fax: (775) 847-0935
planning@storeycounty.org

Development Application

Submit this completed application and all attachments with the application fee (see page two for type of application and fees) at least 30 days prior to the meeting you wish to have your request scheduled. The application will not be accepted unless complete, including attachments (applicant will be notified within 15 days if application is <u>not acceptable</u> and what is still required). Application fee is non-refundable. Please make checks payable to Storey County Community Development.

Land Owner: Comstock Mining LLC All land owners must be listed on this application.	TYPE OR PRINT LEGIBLY I	N BLACK OR BLUE INK
Mailing Address: 1200 American Flat Rd.		
City: Gold Hill	State: NV	Zip: 89440
City: Gold Hill Telephone (Home) ()	Business (775)847	7-5272
Applicant: Comstock Mining LLC		
All applicants must be listed on this application. T	YPE OR PRINT LEGIBLY IN	BLACK OR BLUE INK
Mailing Address; P.O. Box 1118		
City: Virginia City	State: NV	Zip: 89440
Telephone (Home) ()	_{State:} NV _{Business (} 775 ₎ 8	47-5272
■Gold Hill		
☐Mark Twain ☐Hafed ☐Lockwood	Painted Rock	TRI Other County
Project Street Address: 1200 American Fla	t Rd, Virginia Ci	ty, NV 89440
Assessor's Parcel Numbers (APN): Included or	attached Table	e 1.
Lot:Block:	Acreage: 7	162

Storey County Development Application

Please check application type for which you applying.

Application	Application	Application	Application
Type	Fee	Type	Fee
Abandonment	\$200.00	Amended Map	n/a
Condition Amendment	n/a	☐ Boundary Line Adjustment	\$250,00 + 25.00 per lot
Development Agreement (Requires a Special Use Permit)	\$1,000.00	Extension of Time Request (One Year Extension Only)	50% of Original Fee
Master Plan Map Amendment	\$2,900.00	☐ Master Plan Text Amendment	\$800.00
☐ Natural Resources Exploration and Registration	\$65.00 per hour	Street Name Request	п/а
Parcel Map – Record of Survey	\$250.00 + 25.00 per lot	Parcel Map Final	n/a
☐ Planned Unit Development (PUD) - Tentative	\$500.00 + 1.00 per lot	Planned Unit Development - Final	\$200.00 + 25.00 per lot
Reversion to Acreage	n/a	☐ *Special Use Permit – Minor	\$250.00
*Special Use Permit - Routine	\$450.00		\$750.00
*Special Use PermitMajor Industrial	\$2,500.00		
Subdivision Map - Tentative	\$500.00 + 1.00 per lot	Subdivision Map - Final	\$200.00 + 25.00 per lot
☐ Variance - Administrative	n/a	☐ Variance	\$100.00
☐ Wireless Communication Facility		☐ WirelessCommunicationFacility, Modification	n/a
Zoning Map Change	\$1,000.00	Zoning Text Change	n/a

Note: Additional fees to cover costs accrue by the county in association with the application, including staff time and consultation with outside legal and professional council may be charged to the applicant. No additional fees will be charged without expressed written permission by the applicant.

Applicants Initials

^{*} If you are applying for a Special Use Permit, please refer also to the Storey County Special Use Permit Definitions List.

Storey County Development Application

Project or Request Description (Please attached additional pages as necessary) Comstock Mining LLC has prepared this updated Special Use Permit (SUP) for the Lucerne Project to increase the mineral processing area to support expanded heap leach pad capacity and construction of a new event pond (Event Pond 2). Paired with these activities is the relocation of office facilities. A detailed SUP is attached to this document. Note: Please add additional pages if necessary.

Professional Consultant/Representative(s) Name: Comstock Mining LLC Address: 1200 American Flat Rd. City: Gold Hill State: NV Zip: 89440 Fax: 775-847-7118 Cell: 775-720-0112 Phone: 775-847-5272 x135 Contact: David Thomas Email; thomas@comstockmining.com Other Person(s) to be Contacted Name: Cornstock Mining LLC Address: 1200 American Flat Rd. Zip: 89440 City: Gold Hill State: NV Cell: 775-583-8567 Phone: 775-847-5272 x128 Fax: 775-847-7118 Email; yelderman@comstockmining.com Contact: Rachel Yelderman Applicant's Affidavit: OPRADO DEGASPERIS , being duly sworn, depose and say that I am the applicant OFFICER SIGNE FOR COMPTER MINISTY of the described project and/or request, and all the statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff. 5/10/13 Signature of Applicant Date Subscribed and sworn to before me this day of May (Notary stamp) 2013 SUSAN L. BREYLINGER NOTARY PUBLIC STATE OF NEVADA Notary Public in and for said county APPT. No. 08-8290-16 MY APPT. EXPIRES AUG. 27, 2016 State of Nevada County of Storey Property Owner's Affidavit: orrado Defasperis being duly sworn, depose and say that I am an owner in (* SIGNING OFFICER OF CONSTOLE MINSING INC. fee of the described property involved in this application, that I have knowledge of, and agree to, the filing of this application, and that the cce.) statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of the Storey County Community Development Department staff. (*A separate Affidavit must be provided by each properly owner) Signature of Property Owner Date Subscribed and sworn to before me this (Notary stamp) 10+h 2013 day of ______ O___ SUSAN L. BREYLINGER **NOTARY PUBLIC** STATE OF NEVADA Notary Public in and for sald county. APPT, No. 08-8290-16 MY APPT, EXPIRES AUG. 27, 2016 State of Nevada

Storey County Development Application

County of Stoney

Storey County Development Application Additional Property Owners or Applicants

Property Owner's or Applicant's Affidavit:	
l _t	, being duly swom, depose and say that I am an owner* in
statements and answers herein contained and the information he of my knowledge and belief. I understand that no assurance or g Development Department staff.	ave knowledge of, and agree to, the filing of this application, and that the erewith submitted are in all respects complete, true and correct to the best guarantee can be given by members of the Storey County Community at be provided by each property owner)
Signature of Property Owner	Date
Subscribed and swom to before me this day of ,	(Notary stamp)
Notary Public in and for said county and state.	
Property Owner's or Applicant's Affidavit:	
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statements and answers herein contained and the information he of my knowledge and belief. I understand that no assurance or g staff.	ave knowledge of, and agree to, the filing of this application, and that the erewith submitted are in all respects complete, true and correct to the best guarantee can be given by members of the Storey County PDepartment at the provided by each property owner)
Signature of Property Owner	Date
Subscribed and sworn to before me this day of,	(Notary stamp)
Notary Public in and for said county and state.	
Property Owner's or Applicant's Affidavit:	
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Signature of Property Owner	Date
organizate of Frequency Owner	Date
Subscribed and sworn to before me this day of	(Notary stamp)
Notary Public in and for said county and state.	

6 of 7

	Additional Information – Check with Planning Division	×	×	×	×	×	×	×	×	×	×	×	×	×	×	×
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	Insurance					×										
	Reclamation Plan					×										
	Water rights					×						×	×			
	Traffic Report					×							×			
	Soils Report					×							×			
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	Submittal Requirements Application Type	Abandonment	Amended Map	Condition Amendment	Boundary Line Adjustment	Development Agreement (Requires Special Use Permit)	Extension of Time Request (One Year Extension Only)	Master Plan Map Amendment	Master Plan Text Amendment	Natural Resources Exploration and Registration Review	Parcel Map - Record of Survey	Parcel Map	Planned Unit Development, Tentative	Planned Unit Development, Final	Reversion to Acreage	Special Use Permit - Minor
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Note: Additional information and materials may be required with the application.

Storey County Development Application

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Plot Plan	×	×	×	×	×	×			×	×	×	×	×
Paid Tax Receipt	×	×	×		×	×		×	×	×			×
Detailed Description/Justification	×	×	×	×	×	×	×	×	×	×	×	×	×
Application Form	×	×	×	×	×	×	×	×	×	×	×	×	×
Submittal Requirements Application Type	Special Use Permit - Routine	Special Use Permit - Major	Special Use Permit – Major Industrial	Street Name Request	Subdivision Map - Tentative	Subdivision Map - Final	☐ Variance - Administrative] Variance		Wireless Communication Facility, Modification	☐ Zoning Map Change	Zoning Text Change] Other
	Petaited Detaited Peacription/Justification Paid Tax Receipt Paid Tax Receipt Paid Tax Receipt Plot Plan Chegal Description - Cegal Description - Cheed Additional Information - Insurance Check with Planning	Submittal Requirements Submittal Requirements Application Type Application Type	Submittal Requirements Submittal Requirements Application Type Application Type Application Type Application Form Application Form	Submittal Requirements Submittal Requirements Application Type Application Type Application Type Application Type Application Type Application Form Application Form	Submittal Requirements Special Use Permit - Major Industrial	Submittal Requirements Submittal Requirements Application Type Application Type Application Type Application Type Application Form Application Form	Submittal Requirements Submittal Requirements Application Type Application Application Form Application Applic	Submittal Requirements Application Type Application Form A X X X X X X X X X X X X X X X X X X	Submittal Requirements Application Type Application Form Application Application Form Application Application Form Application Applicatio	Submittal Requirements Application Type Application Type Application Type Special Use Permit - Routine Submitted Requirements X X X X X X X X X X X X X X X X X X X	Submittal Requirements Application Type Special Use Permit - Routine Special Use Permit - Major X X X X X X X X X X X X X X X X X X X	Submittal Requirements Application Type Application Form Application Application Form Application Application Form Application Applica	Submittal Requirements Application Type Application Form Application Application Form Application Application Form Application Application Form Application Application Application Application Form Application Appl

Note: Additional information and materials may be required with the application.

The Lucerne Project is a gold and silver mining project owned and operated by Comstock Mining LLC (Comstock). The mine site is adjacent to State Highway 342 and the process facility is located approximately two miles west of the town of Gold Hill in Storey County, Nevada, as illustrated on Figure 1.

No changes to the mining operation or pit area SUP boundaries are proposed at this time.

The project site contacts are listed below:

Introduction

Mr. David Thomas, Director of Mining and Processing Mr. Eric Haddox, Director of Technical Services Mr. Brett (Randy) Harris, Director of Safety Mr. Scott Jolcover, Director of Business Development Mrs. Rachel Yelderman, Environmental Project Manager Comstock Mining LLC 1200 American Flat Road Post Office Box 1118 Virginia City, NV 89440 775-847-5272 Tax ID number: 88-0375386

Land Owner/Claim Holder

Land used in the proposed activities is Private Land controlled by Comstock per the claim information listed in Table 1.

County Commissioners Notification

The Storey County Board of Commissioners was notified of the original proposed construction activities on the project through presentation at a County Commission meeting, as documented in correspondence dated October 5, 1999, and through the subsequent submittal of a Special Use Permit application, heard before the County Commission on December 7, 1999. CML has subsequently modified the Special Use Permit (SUP) via application to the Storey County Commission. The most recent SUP modification was approved by the Storey County Commission on November 13, 2012.

Comstock has prepared this request to amend the Special Use Permit (SUP) for the Lucerne Project to increase the mineral processing area boundary to support expanded heap leach pad capacity and construction of a new event pond (Event Pond 2).

Regulatory Oversight

Proposed mining, milling, processing and exploratory operations will be conducted in compliance with state, federal and local codes, regulations, and permits as administered by:

- a. Storey County Planning Department
- b. Storey County Fire Department
- c. Comstock Historic District Commission
- d. Nevada Division of Environmental Protection (NDEP)
 - i. Bureau of Air Pollution Control
 - ii. Bureau of Corrective Actions
 - iii. Bureau of Mining Regulation and Reclamation
 - iv. Bureau of Safe Drinking Water
 - v. Bureau of Water Pollution Control
 - vi. Bureau of Waste Management
- e. Nevada Department of Transportation
- f. Nevada Division of Minerals
- g. Nevada Division of Water Resources
- h. State Emergency Response Commission
- i. State Historic Preservation Office
- j. Bureau of Land Management
- k. Environmental Protection Agency
- 1. Mine Safety and Health Administration

Storey County Planning Department will be provided with copies of all permit applications submitted to any State of Nevada or federal agency.

Activity Description

Activity type:

The heap leach pad will be expanded under the revised SUP to the north of the current 40 acre processing site. A stockpile will be placed west of the heap leach pad to store growth media for final reclamation of the heap leach pad.

Activity size:

Within the boundaries of the approximate 38 acres added to the 40 acre process site now known as APN 004-331-36. The proposed processing site expansion is shown on Figure 2.

Activity location

The existing mining and processing operations are located within Township 16N, Range 20E, Sections I and 12, Mount Diablo Baseline and Meridian.

Hours of Operation

All operations covered by this SUP will be year round, 7 days a week, 24 hours per day.

Measures taken to prevent Undue & Unnecessary degradation

The operation uses best management practices to ensure minimal undue and unnecessary degradation to the land and environment.

Access routes for use, improvement or construction (if any)

All routes of access are on privately held land or used under agreement with the recorded land owner.

Type of Equipment Used

To support expansion of the heap leach pad, typical construction and earth-moving equipment will be used. Design of the expansion is illustrated on Figures 3-5.

Expected duration of activities

The expected duration of construction is 30-180 days.

Reclamation Plan

End of mine life topography and landscape

The Comstock Mining, LLC Reclamation Permit # 0196 is currently on file with the Storey County Planning Department. These reclamation activities will still satisfy relevant closure and reclamation regulations. The final grading plan for the proposed expansion of the processing site is illustrated on Figure 4.

Air quality:

Best management practices are utilized to minimize dust in the Project area. Water trucks and spray systems are implemented to suppress construction and road dust. Process area emissions are controlled according the permit requirements of the Comstock Mining LLC Class I Air Quality Operating Permit to Construct No. AP1041-2761. NDEP Bureau of Air Quality monitors compliance with applicable air quality pennits.

Water quality:

Groundwater will be monitored and described by installation of groundwater monitoring wells. Downgradient groundwater monitoring wells GWMW and GWMW-2 and upgradient background monitoring well GWMW-1 bracket the existing heap leach pad and proposed expansion area. The results of monitoring are reported to NDEP in compliance with the Comstock Mining LLC Water Pollution Control Permit #NEV2000109. Monitor well analysis results are also reported to Storey County as required by the current SUP.

Process solution ponds will be used for fluid management during the heap leach pad draindown. Final details of heap neutralization and closure will be developed at least two years prior to Project closure and incorporated in the NDEP Final Plan for Permanent Closure pursuant to the requirements of NAC 445A.446 and NAC 445A.447.

Cultural and paleontological resources

Any visible or known cultural and paleontological resources will be preserved or treated with the aim to preserve the historical integrity of the Comstock District. Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall

temporarily be halted at the specific site of discovery, and the Storey County Board of Commissioners shall be notified in order to evaluate the site and if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to maximum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts. At the discretion of Storey County, a professional archeologist may survey the discovery and report the findings.

Land Status within requested SUP boundary amendment

Comstock's proposed process area expansion is entirely on private fee surface land. A table of the land status for the expansion and adjacent land owners is attached in Table 1.

Summary of Special Use Permit Provisions

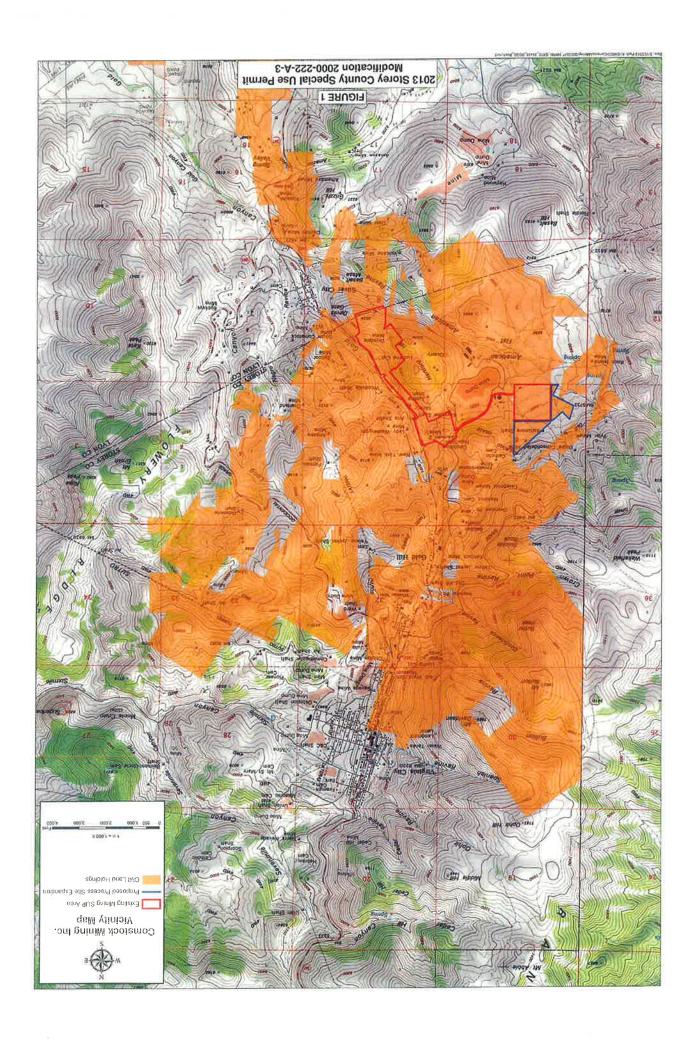
Comstock Mining LLC is in compliance with all provisions from the existing SUP No. 2000-222-A-2. The following proposed summary of SUP provisions are listed to reflect the intent of agreements that have been made with Storey County.

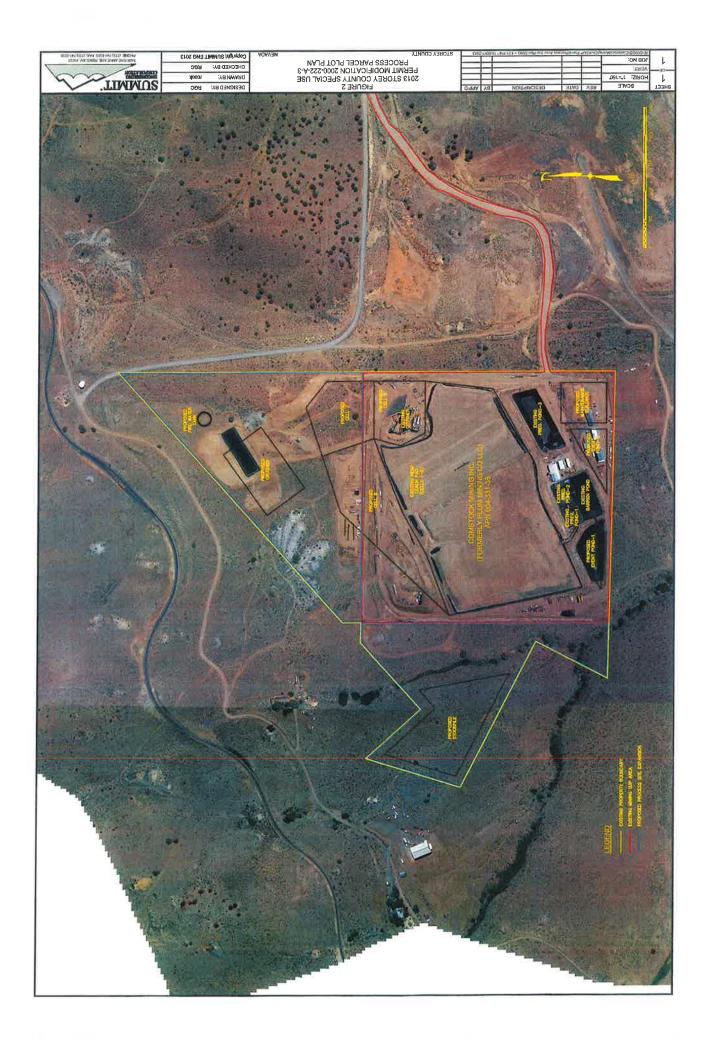
- a. All operational activities, including but not limited to blasting, mining, milling, transportation, processing, exploratory drilling, and reclamation shall be in compliance with state, federal and local codes, regulations and permits.
- b. All operations may be conducted year round, 7 days a week, 24 hours per day.
- c. Exploratory drilling sites will be reclaimed at the conclusion of the drill programs. Total surface disturbance will be limited to less than one agre calculated on a rolling basis as lands are reclaimed.
- d. Prior to blasting, notification shall be made to Nevada Division of Forestry and Storey County Dispatch Center.
- e. Ore, overburden, and other excavated materials may be transported throughout the land applicable to this special use permit and delivered from the permitted mining area to the processing site by any type of on- and off-highway vehicles, haul trucks, tractors and heavy equipment, railroad, conveyor systems, and other on-site conveyance systems. The permit holder is responsible to repair damages to any county-owned road, utility, or other infrastructure caused by activities associated with the uses under this special use permit. The repairs must be completed to the satisfaction of the county. The county reserves the right to prohibit the use of haul trucks and heavy equipment on any county-owned right-of-way.
- f. There shall be a sign posted stating the hours of operation at the primary entry of the Subject Property. Permit Holder shall post its legal address for the operation at the primary entry of the Subject Property. Permit Holder shall post a sign 500 feet before the primary entry and at the dirt road east of the process facility stating, "Caution, Heavy Duty Trucks and Equipment" and "All Visitors Shall Report to the Office."
- g. The milling process will consist of the ore being crushed to four inch minus in size and placed on a heap leach pad.
- h. If a generator is used on site, it shall be muffled or in an enclosed building.
- i. Permit Holder shall contact Storey County Fire Department and comply with all their requirements for fire protection and water storage requirements.

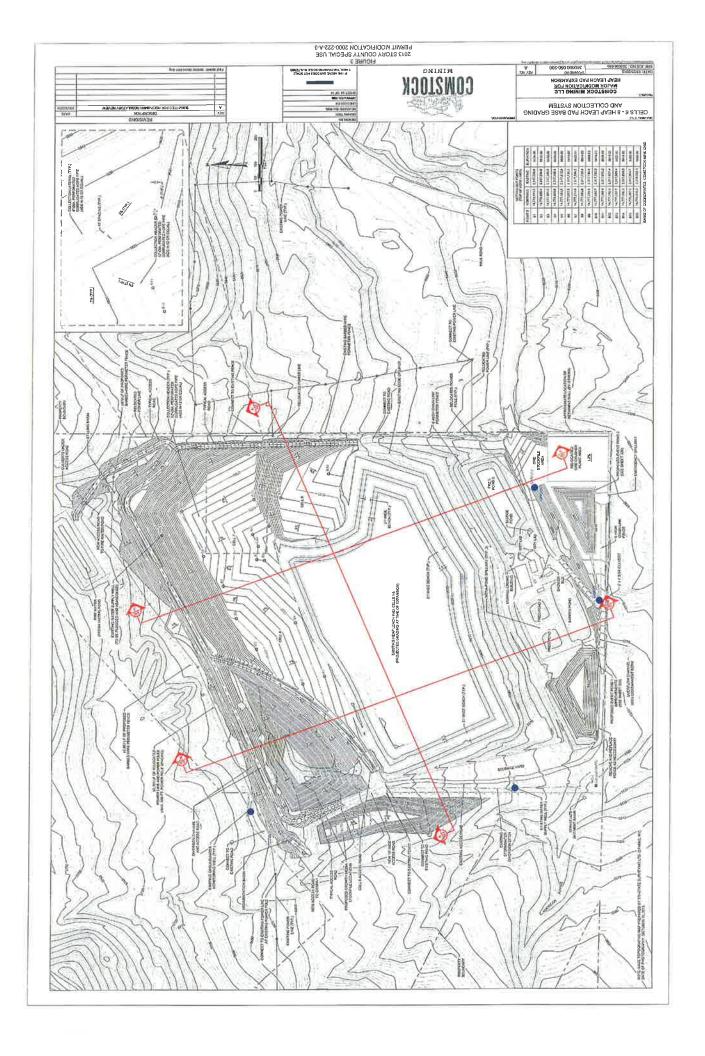
- j. If any terms of the SUP are not in full compliance, then the permit is null and void. In the event of non-compliance with the SUP, Storey County will notify the Permit Holder and provide a time period to enter into compliance. However, if there is a life-safety or environmental violation, Story County reserves the right to cause the SUP to become immediately null and void.
- k. Permit Holder shall provide proof of existing bond posted with the State of Nevada Division of Mining Regulations and Reclamation for the operation of the mining and milling facility. The bond shall serve as a reclamation guarantee at the end of mine life.
- 1. Permit Holder shall provide a reclamation plan for approval by Storey County Building Department and all appropriate federal and state agencies have jurisdiction over the operation. All mill operations and office trailers/manufactured homes are of a temporary nature and will be removed at the end of mine life.
- m. Permit Holder shall provide proof of insurance for all aspects of the SUP to Storey County in the minimum amount of one million dollars (\$1,000,000). If insurance lapses, the insurance company shall notify Storey County and the SUP will be void.
- Should any prehistoric or historic remains/artifacts be discovered during development or excavation, work shall temporarily be halted at the specific site of discovery, and the Storey County Board of Commissioners shall be notified in order to evaluate the site and if deemed necessary, to record and photograph the site in question. The period of temporary delay shall be limited to maximum of two working days from the date of notification, unless it is a significant find and it is deemed necessary to provide more time to evaluate and protect historical remains or artifacts. Notification shall be made to 775-847-0968. At the discretion of Storey County, a professional archeologist may survey the discovery and report the findings.

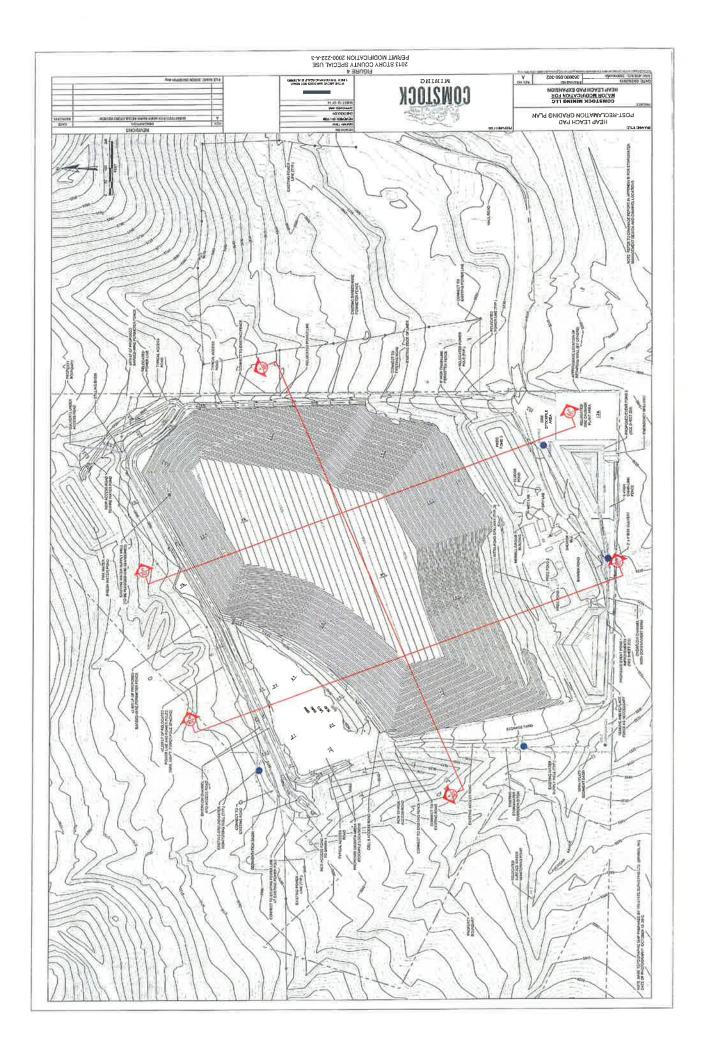
Figure Index:

- 1. Comstock Mining Inc. Vicinity Map
- 2. Process Parcel Plot Plan
- 3. Heap Leach Pad Expansion Cells 6-8 Reduced
- 4. Heap Leach Pad Post-Reclamation Grading Plan Reduced
- 5. Heap Leach Pad Cross-Sections Reduced









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FEE LAND

Page 1



Reno Office 815 Maestro Drive Reno, NV 89511

ph: 775.829.2245 fax: 775.829.2213 www.mcgin.com Las Vegas Office 6280 South Valley View Blvd. Suite 604 Las Vegas, NV 89118

ph: 702.260.4961 fax: 702.260.4968

June 14, 2012

Nevada Division of Environmental Protection Bureau of Corrective Actions 901 S. Stewart Street, Suite 3005 Carson City, Nevada 89701-5249

VIA:

Electronic Mail

ATTN:

Jeff Collins, Supervisor

CC:

Cindi Byrns (Comstock), Joe McGinley (MGA), Carolyn McIntosh (Patton

Boggs), David Friedman (NDEP), Jack Yates (NDEP), Greg Lovato

(NDEP)

RE:

ADDENDUM #10 TO THE COMSTOCK MINING INC., CARSON

RIVER MERCURY SUPERFUND SITE SAMPLING AND ANALYSIS PLAN

Dear Mr. Yates:

On behalf of Comstock Mining Inc. (Comstock), McGinley and Associates (MGA) is providing this Addendum #10 for the Process Area as shown on the attached Figures 1-3. These Figures address the 40 acres south and the 40 acres east of the existing Process Area.

Comstock proposes to install 1,192 5-point composite samples at 298 locations as shown on the attached Figures 1-3. This includes 298 ¼ acre quadrants. These samples will be installed from 0-2' below ground surface (bgs) with samples taken at 0-6", 6-12", 12-18" and 18-24" bgs consistent with previous sampling efforts.

The sampling density proposed is that which is outlined in Section 4.0, item 2 of the NDEP-approved Sampling and Analysis Plan (SAP). The sampling of the open land space is described in Section 4.0, items 2.a.

Action Items

- 1. MGA requests authorization to collect samples in the Process Area to characterize the unknown environmental conditions as described above.
- 2. Sampling Notification, MGA requests that NDEP consider this document as the sampling notice for these areas. Pending NDEP approval MGA will conduct utility clearances and initiate sampling in this area following NDEP-approval. It is expected that this sampling could be completed in six weeks. Sampling activities may be delayed due to additional priority items that need to be addressed in parallel.

COM001/Addendum 10

McGinley and Associates, Inc. appreciates the opportunity to submit this addendum and we look forward to working with you on this project. Should you have any questions regarding this addendum, please contact us at (702) 260-4961 or at brakvica@mcgin.com. If this addendum is acceptable to you, please advise us at brakvica@mcgin.com.

Respectfully submitted,

McGinley and Associates, Inc.

Brian A. Rakvica, P.E., C.E.M. #2260, Exp. Date 09/21/12

Senior Project Manager

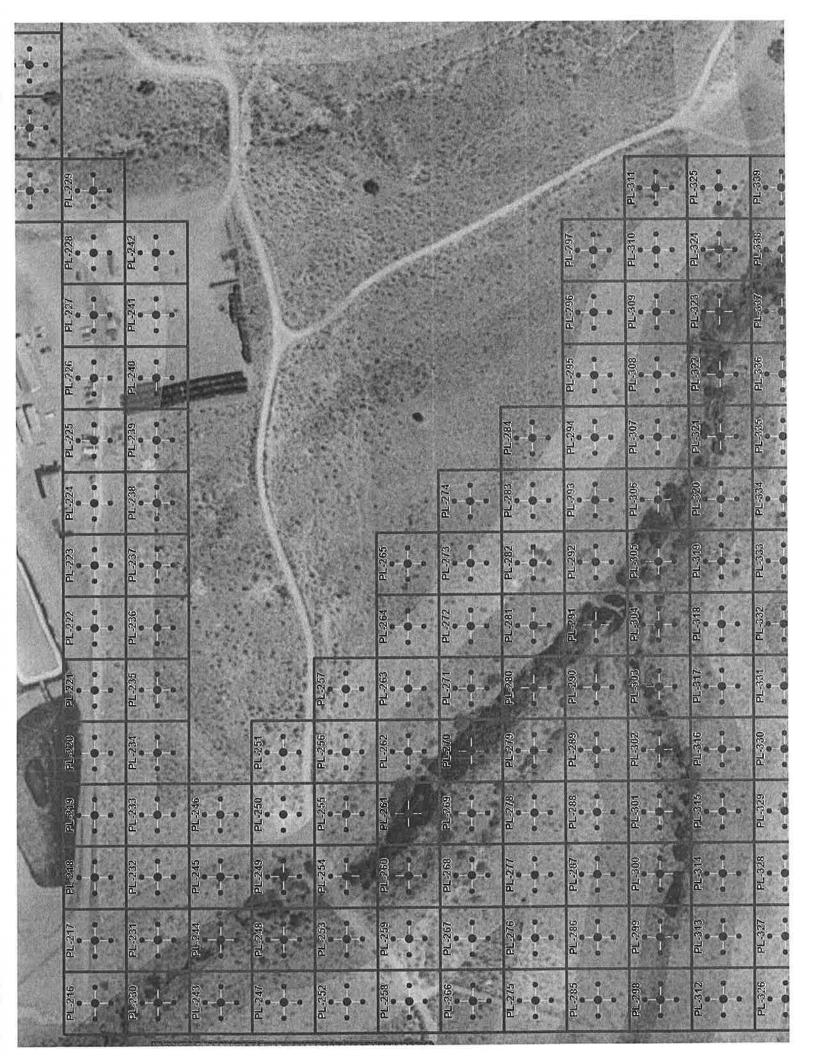
Reviewed by:

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession, and to the best of my knowledge, comply with all applicable federal, state and local statutes, regulations and ordinances.

Joseph M. McGinley, C.E.M. #1036, Exp. Date 11/12 Principal

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	PL-72	PL-85	PL-38	PLE111	PL-124	PL-137	PL-150	PL-163	PL-176	PL-189	PL-202	PL-215
•	Pt71	PL-84	PL-97	PL-110	PL-123	PF 136	PL149	PL-162	PL-175	PL-188	PL-201	PL-214
	PL-70	PL-83	96-14	PL-109	PL-122	F - 1	PL-148	PL461	PL-174	PL-187	PL-200	PL-213
•	PL-69	PL-82	PL-95	PL-108	PL-121	PL-134	PL-147	PL:160	PL-473	PL-186	PL-199	PL-212
	PL-68	18° - 1	PL 34	PL-107	PL-120	PL-133	PL-146	PL-159	PL-172	PL-185	PL-198	PL-211
:	PL-67	PL-80	PT-93	PL-106	PL-119	PL-132	PL-145	PL-158	PL-171	PL-184	PL-197	PL-210
	99-T-4	PL.79	PL-32	PL-105	PL-118	PL-131	PL-1443	PI-157	PL-170	PL-183	PL-196	PL-209
•	PL-65	PL.78	PL-34	PL-104	PL-117	PL-130	PL:143	PL-156	PL-169	PL-182	PL-195	PL-208
•	PI-64	PL-777	PL-90	PL=103	PL-116	PL-129	P1142	PL-155	PL-168	PL-181	PL-194	PL-207
•	PL-63	PL-76	PI-89	PL-102	PL-1/15	PL-128	PL:141	PL-154	PL-167	PL-180	PL:193	PL-206
•	PL-62	PL-75	PI-88	PL-101	PL-114	R ISSUED CONTROL	PL-140	PL-153	PL-166	PL-179	PL-192	PL-205
• •	PL-61	PL-74	PL-87	PL-100	PL-113	PL-126	PL-139	PL-152	PL-165	PL-178	PL:191	PL-204
	PL-60	PL73	PL-86	PL-99	PL-112	PL-125	PL438	PL-151	PL-164	PL:177	PL 190	PL-203





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February 27, 2012

Nevada Division of Environmental Protection Bureau of Corrective Actions 901 S. Stewart Street, Suite 3005 Carson City, Nevada 89701-5249

VIA: Electronic Mail

ATTN: Jack Yates

CC: Cindi Byrns (Comstock), Joe McGinley (MGA), Carolyn McIntosh (Patton

Boggs), David Friedman (NDEP), Jeff Collins (NDEP)

RE: ADDENDUM #4 TO THE COMSTOCK MINING INC., CARSON RIVER

MERCURY SUPERFUND SITE SAMPLING AND ANALYSIS PLAN

Dear Mr. Yates:

On behalf of Comstock Mining Inc. (Comstock), McGinley and Associates (MGA) is providing this revised Addendum #4 for the Process Area and Power Line Disturbance Areas. This document has been revised per the NDEP's February 24, 2012 comment letter.

Specifically, environmental sampling, per the NDEP-approved Sampling and Analysis Plan (SAP) was conducted throughout the Process Area and Power Line Disturbance Areas (SAP figures 28 and 29). The analytical data is summarized on the attached Tables 1-3 and Figures 1-3.

Mercury

Mercury exceeds the NDEP's Screening/Action Level of 80 mg/Kg at location PL-11 at all depths as shown on Figure 1. This location is surrounded by quadrants that do not exceed the NDEP's Screening/Action Level. It is MGA's opinion that the areal extent of contamination is therefore known. The depth of contamination is not known, however, and MGA proposes to collect additional samples in 6" increments from 2' below ground surface (bgs) to 4' bgs so long as refusal is not encountered.

Lead

Lead exceeds the Screening/Action Level of 400 mg/Kg at locations PL-07 and PL-21 as shown on Figure 2. Location PL-07 exceeds the Screening/Action Level at 0-6" bgs and 6-12" bgs. It is MGA's opinion that the depth of contamination is therefore known. Location PL-07 is not bounded aerially to the northwest, therefore, MGA proposes to add two sampling quadrants in this area per Figure 2. Initially, 5-point composite samples will be collected from 0-2' bgs in six inch increments per the SAP. Location PL-21 exceeds the Screening/Action Level at 18-24" bgs. This location is surrounded by quadrants that do not exceed the NDEP's Screening/Action Level. It is MGA's

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opinion that the areal extent of contamination is therefore known. The depth of contamination is not known, however, and MGA proposes to collect additional samples in 6" increments from 2' below ground surface (bgs) to 4' bgs so long as refusal is not encountered.

<u>Arsenic</u>

Arsenic also exceeds the NDEP Screening/Action Level of 32 mg/kg at several locations and depths as shown on Figure 3.

With the exception of location PL-21, all of these data are within the range of background concentrations cited within the NDEP's Screening Action Level for Arsenic in Surface Soil in the Carson River Basin document. This document notes that background concentrations of arsenic ranged as high as 73 mg/kg in the data collected. The maximum concentration presented on the attached figures (excluding location PL-21) is 40.2 mg/kg. The NDEP's selected Screening/Action Level of 32 mg/kg represented the 95th percentile of the data set.

Location PL-21 is co-located with high concentrations of lead and it is expected that this area is impacted and will need to be mitigated. Additional samples will be collected at location PL-21 to define the depth of impacts.

As an additional line of evidence, MGA has conducted a quantitative health risk assessment (HRA) for the arsenic data. This HRA was provided as Attachment 1 to MGA's February 10, 2012 submittal. MGA demonstrated via a variety of scenarios that the arsenic concentrations present at the site would not present an adverse health risk to off-site residents.

Additionally, MGA believes that the absence of concentrations above the pertinent NDEP Screening/Action Levels for the other contaminants of concern (COCs) is a strong line of evidence that this portion of the site is not impacted by historic mine or mill activities. The site history and conceptual site model (CSM) discussed in the NDEP's Carson River Mercury Superfund Site Long-Term Sampling and Response Plan (LTSRP) indicates that the COCs should occur together. Furthermore, the LTSRP notes that both lead and arsenic should have been concentrated in the wastes along with the mercury. It is MGA's belief that the presence of arsenic above the NDEP's Screening/Action Level with the absence of elevated levels of mercury and lead indicate that the arsenic values are representative of background conditions. This will be supported further once the background sample data is received from the laboratory.

Proposed Power Line Disturbance

Comstock's proposed power line disturbance will be constrained to the Process Area (SAP Figure 28) and locations PL-32 through PL-39 as shown on Figures 1-3. These locations are all below NDEP's Screening/Action Levels for all compounds. Based upon this, Comstock requests approval to move forward with the relocation of the power line while the additional sampling unrelated to the power line relocation continues.

This report is also intended to serve as an addendum to the SAP and sampling notification to NDEP, if the proposed additional sampling is acceptable to NDEP, Comstock will initiate the sampling as discussed above. Access to these areas is difficult and sampling is time consuming. For the four

proposed sample locations (Pl-11, PL-21, and the two new quadrants) it is expected that sampling may take one week.

Action Items

- 1. Comstock would like to collect additional samples at existing locations PL-11 and PL-21. These samples will be collected from 2' bgs to 4' bgs in six inch increments. Samples will be 5-point composites and will be collected and analyzed per the NDEP-approved SAP.
- 2. Comstock would like to collect additional 0-2' bgs, 5-point composite samples northwest of location PL-07 as shown on Figure 2. Samples will be collected and analyzed per the NDEP-approved SAP.
- 3. Comstock would like to request authorization to re-locate the power line. This relocation will take place in the Process Area (SAP Figure 28) and in the area defined by quadrants PL-32-39 as shown on the attached Figures. These locations are all below NDEP's Screening/Action Levels for all compounds. This relocation would take place in parallel with the sampling discussed above as the areas are geographically isolated from one another.

NDEP's requested geodatabase will be provided under separate cover and will be provided electronically.

McGinley and Associates, Inc. appreciates the opportunity to submit this report and we look forward to working with you on this project. Should you have any questions regarding this report, please contact us at (702) 260-4961 or at brakvica@mcgin.com. If this request is acceptable to you, please advise us at brakvica@mcgin.com.

Respectfully submitted,

McGinley and Associates, Inc.

Brian A. Rakvica, P.E., C.E.M. #2260, Exp. Date 09/21/12

Senior Project Manager

Reviewed by:

I hereby certify that I am responsible for the services described in this document and for the preparation of this document. The services described in this document have been provided in a manner consistent with the current standards of the profession, and to the best of my knowledge, comply with all applicable federal, state and local statutes, regulations and ordinances.

Joseph M. McGinley, C.E.M. #1036, Exp. Date 11/12

Principal

Table 1 - Process Area and Power Line Sites Mercury Data

Data	11	0	Decula
Sample	Units	Component	Result
COM001-SS-FAR1-0-6"	mg/Kg	Mercury, Total	0.201
COM001-SS-FAR1-12-18"	mg/Kg	Mercury, Total	0.139
COM001-SS-FAR1-18-24"	mg/Kg	Mercury, Total	0.143
COM001-SS-FAR1-6-12"	mg/Kg	Mercury, Total	0.143
COM001-SS-FAR2-0-6"	mg/Kg	Mercury, Total	0.066
COM001-SS-FAR2-12-18"	mg/Kg	Mercury, Total	0.065
COM001-SS-FAR2-18-24"	mg/Kg	Mercury, Total	0.063
COM001-SS-FAR2-6-12"	mg/Kg	Mercury, Total	0.064
COM001-SS-FAR3-0-6"	mg/Kg	Mercury, Total	0.107
COM001-SS-FAR3-12-18"	mg/Kg	Mercury, Total	0.112
COM001-SS-FAR3-18-24"	mg/Kg	Mercury, Total	0.087
COM001-SS-FAR3-6-12"	mg/Kg	Mercury, Total	0.082
COM001-SS-FAR4-0-6"	mg/Kg	Mercury, Total	0.19
COM001-SS-FAR4-12-18"	mg/Kg	Mercury, Total	0.07
COM001-SS-FAR4-18-24"	mg/Kg	Mercury, Total	0.182
COM001-SS-FAR4-6-12"	mg/Kg	Mercury, Total	0.098
COM001-SS-FAR5-0-6"	mg/Kg	Mercury, Total	0.308
COM001-SS-FAR5-12-18"	mg/Kg	Mercury, Total	0.218
COM001-SS-FAR5-18-24"	mg/Kg	Mercury, Total	0.128
COM001-SS-FAR5-6-12"	mg/Kg	Mercury, Total	0.179
COM001-SS-FAR6-0-6"	mg/Kg	Mercury, Total	0.25
COM001-SS-FAR6-12-18"	mg/Kg	Mercury, Total	0.446
COM001-SS-FAR6-18-24"	mg/Kg	Mercury, Total	0.073
COM001-SS-FAR6-6-12"	mg/Kg	Mercury, Total	0.121
COM001-SS-PL11-0-6"	mg/Kg	Mercury, Total	690
COM001-SS-PL11-12-18"	mg/Kg	Mercury, Total	89.7
COM001-SS-PL11-18-24"	mg/Kg	Mercury, Total	160
COM001-SS-PL11-6-12"	mg/Kg	Mercury, Total	521
COM001-SS-PL12-0"-6"	mg/Kg	Mercury, Total	18.1
COM001-SS-PL12-12"-18"	mg/Kg	Mercury, Total	0.542
COM001-SS-PL12-18"-24"	mg/Kg	Mercury, Total	0.231
COM001-SS-PL12-6"-12"	mg/Kg	Mercury, Total	1.44
COM001-SS-PL13-0-6"	mg/Kg	Mercury, Total	0.303
COM001-SS-PL13-12"-18"	mg/Kg	Mercury, Total	0.065
COM001-SS-PL13-18"-24"	mg/Kg	Mercury, Total	0.042
COM001-SS-PL13-6"-12"	mg/Kg	Mercury, Total	0.261
COM001-SS-PL14-0-6"	mg/Kg	Mercury, Total	0.443
COM001-SS-PL14-12"-18"	mg/Kg		0.19
COM001-SS-PL14-18"-24"		Mercury, Total	0.144
COM001-SS-PL14-6"-12"	ma/Ka	Mercury, Total	0.245
COM001-SS-PL15-0-6"	mg/Kg		0.487
COM001-SS-PL15-12"-18"	mg/Kg		0.199
COM001-SS-PL15-18"-24"	mg/Kg		0.272
COM001-SS-PL15-6"-12"	mg/Kg		0.224
COM001-SS-PL16-0-6"	mg/Kg		0.307
COM001-SS-PL16-12-18"	mg/Kg		0.075
COM001-SS-PL16-18-24"	mg/Kg		0.064
COM001-SS-PL16-6-12"	mg/Kg		0.139
COM001-SS-PL17-0-6"	mg/Kg		0.138
COM001-SS-PL17-12-18"	mg/Kg		
COM001-SS-PL17-18-24"	mg/Kg	Mercury, Total	0.03
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Table 1 - Process Area and Power Line Sites Mercury

Dala			
COM001-SS-PL17-6-12"	mg/Kg	Mercury, Total	0.029
COM001-SS-PL18-0-6"	mg/Kg	Mercury, Total	0.56
COM001-SS-PL18-12-18"	mg/Kg	Mercury, Total	0.129
COM001-SS-PL18-24"	mg/Kg	Mercury, Total	0.1
COM001-SS-PL18-6-12"	mg/Kg	Mercury, Total	0.538
COM001-SS-PL19-0-6	mg/Kg	Mercury, Total	1.13
COM001-SS-PL19-12-18	mg/Kg	Mercury, Total	0.102
COM001-SS-PL19-18-24	mg/Kg	Mercury, Total	0.06
COM001-SS-PL19-6-12	mg/Kg	Mercury, Total	0.104
COM001-SS-PL20-0-6"	mg/Kg	Mercury, Total	0.801
COM001-SS-PL20-12"-18"	mg/Kg	Mercury, Total	0.129
COM001-SS-PL20-18"-24"	mg/Kg	Mercury, Total	0.084
COM001-SS-PL20-6"-12"	mg/Kg	Mercury, Total	0.072
COM001-SS-PL21-0-6"	mg/Kg	Mercury, Total	0.286
COM001-SS-PL21-12"-18"	mg/Kg	Mercury, Total	0.152
COM001-SS-PL21-18"-24"	mg/Kg	Mercury, Total	0.305
COM001-SS-PL21-6"-12"	mg/Kg	Mercury, Total	0.094
COM001-SS-PL22-0-6"	mg/Kg	Mercury, Total	0.161
COM001-SS-PL22-12"-18"	mg/Kg	Mercury, Total	0.054
COM001-SS-PL22-18"-24"	mg/Kg	Mercury, Total	0.054
COM001-SS-PL22-6"-12"	mg/Kg	Mercury, Total	0.085
COM001-SS-PL23-0-6"	mg/Kg	Mercury, Total	0.125
COM001-SS-PL23-12-18"	mg/Kg	Mercury, Total	0.029
COM001-SS-PL23-18-24"	mg/Kg	Mercury, Total	0.021
COM001-SS-PL23-6-12"	mg/Kg	Mercury, Total	0.052
COM001-SS-PL24-0-6"	mg/Kg	Mercury, Total	0.102
COM001-SS-PL24-12-18"	mg/Kg	Mercury, Total	0.026
COM001-SS-PL24-18-24"	mg/Kg	Mercury, Total	0.031
COM001-SS-PL24-6-12"	mg/Kg	Mercury, Total	0.028
COM001-SS-PL25-0-6"	mg/Kg	Mercury, Total	0.121
COM001-SS-PL25-12-18	mg/Kg	Mercury, Total	0.029
COM001-SS-PL25-18-24	mg/Kg	Mercury, Total	0.026
COM001-SS-PL25-6-12	mg/Kg	Mercury, Total	0.026
COM001-SS-PL26-0-6	mg/Kg	Mercury, Total	2.65
COM001-SS-PL26-12-18	mg/Kg	Mercury, Total	0.024
COM001-SS-PL26-18-24	mg/Kg	Mercury, Total	0.036
COM001-SS-PL26-6-12	mg/Kg	Mercury, Total	0.107
COM001-SS-PL-27-0-6"	mg/Kg	Mercury, Total	1.24
COM001-SS-PL27-12"-18"		Mercury, Total	0.174
COM001-SS-PL27-18"-24"	mg/Kg	Mercury, Total	0.677
COM001-SS-PL27-6"-12"	mg/Kg	Mercury, Total	0.178
COM001-SS-PL28-0-6		Mercury, Total	0.581
COM001-SS-PL28-12-18		Mercury, Total	0.169
COM001-SS-PL28-18-24	mg/Kg	Mercury, Total	0.03
COM001-SS-PL28-6-12		Mercury, Total	0.127
COM001-SS-PL29-0-6"	mg/Kg	Mercury, Total	0.077
COM001-SS-PL29-12-18"	mg/Kg	Mercury, Total	0.033
COM001-SS-PL29-18-24"	mg/Kg	Mercury, Total	0.025
COM001-SS-PL29-6-12"	mg/Kg	Mercury, Total	0.033
COM001-SS-PL30-0-6"	mg/Kg	Mercury, Total	0.18
COM001-SS-PL30-12-18"		Mercury, Total	0.033
COM001-SS-PL30-18-24"	mg/Kg	Mercury, Total	0.033

Table 1 - Process Area and Power Line Sites Mercury Data

Data			
COM001-SS-PL3-0-6	mg/Kg	Mercury, Total	0.146
COM001-SS-PL30-6-12"	mg/Kg	Mercury, Total	0.042
COM001-SS-PL31-0-6"	mg/Kg	Mercury, Total	0.346
COM001-SS-PL31-12-18"	mg/Kg	Mercury, Total	0.077
COM001-SS-PL31-18-24"	mg/Kg	Mercury, Total	0.045
COM001-SS-PL3-12-18	mg/Kg	Mercury, Total	0.027
COM001-SS-PL31-6-12"	mg/Kg	Mercury, Total	0.029
COM001-SS-PL3-18-24	mg/Kg	Mercury, Total	0.033
COM001-SS-PL32-0-6"	mg/Kg	Mercury, Total	1.04
COM001-SS-PL32-12-18"	mg/Kg	Mercury, Total	0.044
COM001-SS-PL32-18-24"	mg/Kg	Mercury, Total	0.064
COM001-SS-PL32-6-12"	mg/Kg	Mercury, Total	0.133
COM001-SS-PL33-0-6"	mg/Kg	Mercury, Total	0.534
COM001-SS-PL33-12-18"	mg/Kg	Mercury, Total	0.29
COM001-SS-PL33-6-12"	mg/Kg	Mercury, Total	0.744
COM001-SS-PL34-0-6"	mg/Kg	Mercury, Total	0.063
COM001-SS-PL34-12-18"	mg/Kg	Mercury, Total	0.027
COM001-SS-PL34-18-24"	mg/Kg	Mercury, Total	0.022
COM001-SS-PL34-6-12"	mg/Kg	Mercury, Total	0.04
COM001-SS-PL35-0-6"	mg/Kg	Mercury, Total	0.044
COM001-SS-PL35-12-18"	mg/Kg	Mercury, Total	0.369
COM001-SS-PL35-18-24"	mg/Kg	Mercury, Total	0.302
COM001-SS-PL35-6-12"	mg/Kg	Mercury, Total	0.449
COM001-SS-PL36-0-6"	mg/Kg	Mercury, Total	0.074
COM001-SS-PL3-6-12	mg/Kg	Mercury, Total	0.04
COM001-SS-PL36-12-18"	mg/Kg	Mercury, Total	0.791
COM001-SS-PL36-18-24"	mg/Kg	Mercury, Total	0.492
COM001-SS-PL36-6-12"	mg/Kg	Mercury, Total	0.03
COM001-SS-PL38-0-6"	mg/Kg	Mercury, Total	0.11
COM001-SS-PL38-12-18"	mg/Kg	Mercury, Total	0.028
COM001-SS-PL38-18-24"	mg/Kg	Mercury, Total	0.025
COM001-SS-PL38-6-12"	mg/Kg	Mercury, Total	0.032
COM001-SS-PL39-0-6"	mg/Kg	Mercury, Total	0.402
COM001-SS-PL39-12-18"	mg/Kg	Mercury, Total	0.049
COM001-SS-PL39-18-24"	mg/Kg	Mercury, Total	0.023
COM001-SS-PL39-6-12"	mg/Kg	Mercury, Total	0.157
COM001-SS-PL40-0-6"	mg/Kg	Mercury, Total	6.7
COM001-SS-PL40-12-18"	mg/Kg	Mercury, Total	0.062
COM001-SS-PL40-18-24"	mg/Kg	Mercury, Total	0.036
COM001-SS-PL40-6-12"		Mercury, Total	0.047
COM001-SS-PL41-0-6"		Mercury, Total	0.774
COM001-SS-PL41-12-18"		Mercury, Total	0.059
COM001-SS-PL41-18-24"	mg/Kg		0.05
COM001-SS-PL4-12-18"	mg/Kg		12.5
COM001-SS-PL41-6-12"	mg/Kg		0.146
COM001-SS-PL4-18"-24"	mg/Kg		1.74
COM001-SS-PL42-0-6"	mg/Kg		0.221
COM001-SS-PL42-12-18"	mg/Kg		0.344
COM001-SS-PL42-18-24"	mg/Kg		0.235
COM001-SS-PL42-6-12"	mg/Kg		0.248
COM001-SS-PL43-0-6"	mg/Kg		0.179
COM001-SS-PL43-12-18"	mg/Kg	Mercury, Total	0.237

Table 1 - Process Area and Power Line Sites Mercury Data

Data			
COM001-SS-PL43-18-24"	mg/Kg	Mercury, Total	0.129
COM001-SS-PL43-6-12"	mg/Kg	Mercury, Total	0.206
COM001-SS-PL44-0-6"	mg/Kg	Mercury, Total	0.069
COM001-SS-PL44-12-18"	mg/Kg	Mercury, Total	0.044
COM001-SS-PL44-18-24"	mg/Kg	Mercury, Total	0.111
COM001-SS-PL44-6-12"	mg/Kg	Mercury, Total	0.024
COM001-SS-PL4-6-12"	mg/Kg	Mercury, Total	8.52
COM001-SS-PL5-0-6	mg/Kg	Mercury, Total	0.764
COM001-SS-PL5-12-18	mg/Kg	Mercury, Total	0.569
COM001-SS-PL5-18-24	mg/Kg	Mercury, Total	0.633
COM001-SS-PL5-18-24"	mg/Kg	Mercury, Total	0.21
COM001-SS-PL5-6-12	mg/Kg	Mercury, Total	0.484
COM001-SS-PL6-0-6"	mg/Kg	Mercury, Total	0.455
COM001-SS-PL6-12"-18"	mg/Kg	Mercury, Total	1.59
COM001-SS-PL6-18"-24"	mg/Kg	Mercury, Total	0.267
COM001-SS-PL6-6"-12"	mg/Kg	Mercury, Total	0.464
COM001-SS-PL7-0-6"	mg/Kg	Mercury, Total	0.627
COM001-SS-PL7-12"-18"	mg/Kg	Mercury, Total	0.162
COM001-SS-PL7-18"-24"	mg/Kg	Mercury, Total	0.032
COM001-SS-PL7-6"-12"	mg/Kg	Mercury, Total	0.282
COM001-SS-PL8-0-6"	mg/Kg	Mercury, Total	0.413
COM001-SS-PL8-12"-18"	mg/Kg	Mercury, Total	0.378
COM001-SS-PL8-18"-24"	mg/Kg	Mercury, Total	0.168
COM001-SS-PL8-6"-12"	mg/Kg	Mercury, Total	0.366
COM001-SS-PL9-0-6"	mg/Kg	Mercury, Total	0.815
COM001-SS-PL9-12"-18"	mg/Kg	Mercury, Total	0.53
COM001-SS-PL9-18"-24"	mg/Kg	Mercury, Total	0.231
COM001-SS-PL9-6"-12"	mg/Kg	Mercury, Total	1.2
COM001-SS-TS2-0-6"	mg/Kg	Mercury, Total	0.544
COM001-SS-TS2-10'	mg/Kg	Mercury, Total	0.274
COM001-SS-TS2-12'	mg/Kg	Mercury, Total	0.105
COM001-SS-TS2-2'	mg/Kg	Mercury, Total	0.681
COM001-SS-TS2-4'	mg/Kg	Mercury, Total	1.53
COM001-SS-TS2-6'	mg/Kg	Mercury, Total	1.3
COM001-SS-TS2-8'	mg/Kg	Mercury, Total	0.046
COM001-SS-PL10-0-6	mg/Kg	Mercury, Total	0.263
COM001-SS-PL10-6-12	mg/Kg	Mercury, Total	0.311
COM001-SS-PL10-12-18	mg/Kg	Mercury, Total	0.519
COM001-SS-PL1018-24	mg/Kg	Mercury, Total	0.253
Noton:			

Notes:

NDEP Screening/Action Level = 80 mg/Kg

Shading Indicates a data point greater than the NDEP Screening/Action Level

Table 2 - Process Area and Power Line Sites Lead Data

Table 2 - Process Area and			
Sample	Units		Result
COM001-SS-FAR1-0-6"		Lead, Total	26.8
COM001-SS-FAR1-12-18"		Lead, Total	31.2
COM001-SS-FAR1-18-24"		Lead, Total	23.9
COM001-SS-FAR1-6-12"		Lead, Total	44.9
COM001-SS-FAR2-0-6"	mg/Kg	Lead, Total	11.6
COM001-SS-FAR2-12-18"	mg/Kg	Lead, Total	12.5
COM001-SS-FAR2-18-24"	mg/Kg	Lead, Total	12.3
COM001-SS-FAR2-6-12"	mg/Kg	Lead, Total	10.6
COM001-SS-FAR3-0-6"	mg/Kg	Lead, Total	17.6
COM001-SS-FAR3-12-18"	mg/Kg	Lead, Total	17.3
COM001-SS-FAR3-18-24"	mg/Kg	Lead, Total	12.7
COM001-SS-FAR3-6-12"		Lead, Total	15.7
COM001-SS-FAR4-0-6"		Lead, Total	23.7
COM001-SS-FAR4-12-18"		Lead, Total	9.8
COM001-SS-FAR4-18-24"		Lead, Total	11.4
COM001-SS-FAR4-6-12"		Lead, Total	17.4
COM001-SS-FAR5-0-6"		Lead, Total	43.5
COM001-SS-FAR5-12-18"		Lead, Total	33.3
COM001-SS-FAR5-18-24"		Lead, Total	10.8
COM001-SS-FAR5-6-12"		Lead, Total	28.3
COM001-SS-FAR6-0-6"		Lead, Total	20.4
COM001-SS-FAR6-12-18"		Lead, Total	26.2
COM001-SS-FAR6-18-24"		Lead, Total	19.2
COM001-SS-FAR6-6-12"		Lead, Total	20.1
COM001-SS-PL11-0-6"			259
COM001-SS-PL11-12-18"			44.2
COM001-SS-PL11-18-24"		Lead, Total	80.8
COM001-SS-PL11-6-12"			266
COM001-SS-PL12-0"-6"			209
COM001-SS-PL12-12"-18"			29
COM001-SS-PL12-18"-24"			53.7
COM001-SS-PL12-6"-12"			34.6
COM001-SS-PL13-0-6"			250
COM001-SS-PL13-12"-18"	mg/Kg	Lead, Total	34.6
COM001-SS-PL13-18"-24"			16.8
COM001-SS-PL13-6"-12"			139
COM001-SS-PL14-0-6"			178
COM001-SS-PL14-12"-18"	ma/Ka	Lead, Total	44.2
COM001-SS-PL14-18"-24"	ma/Ka	Lead, Total	19.3
COM001-SS-PL14-6"-12"		Lead, Total	152
COM001-SS-PL15-0-6"		Lead, Total	94.1
COM001-SS-PL15-0-0		Lead, Total	49.3
COM001-SS-PL15-18"-24"		Lead, Total	25.7
COM001-SS-PL15-10-24		Lead, Total	42.5
COM001-SS-PL15-6-12			37.9
COM001-SS-PL16-0-0	mg/Kg		16
COM001-SS-PL16-12-18	mg/Kg		15.9
COM001-SS-PL16-10-24			35.4
COM001-SS-PL16-6-12"	mg/Kg		26
	malla	Lead, Total	17.5
COM001-SS-PL17-12-18"		Lead, Total Lead, Total	15.6
COM001-SS-PL17-18-24"	mg/Kg	ILeau, Total	10.0

Table 2 - Process Area and Power Line Sites Lead Data
COM001-SS-PL17-6-12" | mg/Kg | Lead. Total | 13.5

COM001-SS-PL17-6-12"	mg/Kg	Lead, Total	13.5
COM001-SS-PL18-0-6"	mg/Kg	Lead, Total	20
COM001-SS-PL18-12-18"	mg/Kg	Lead, Total	21.5
COM001-SS-PL18-24"	mg/Kg	Lead, Total	19.9
COM001-SS-PL18-6-12"	mg/Kg	Lead, Total	15.2
COM001-SS-PL19-0-6	mg/Kg	Lead, Total	46.3
COM001-SS-PL19-12-18	mg/Kg	Lead, Total	176
COM001-SS-PL19-18-24	mg/Kg	Lead, Total	126
COM001-SS-PL19-6-12	mg/Kg	Lead, Total	30.4
COM001-SS-PL20-0-6"		Lead, Total	28.3
COM001-SS-PL20-12"-18"		Lead, Total	9.7
COM001-SS-PL20-18"-24"		Lead, Total	8.6
COM001-SS-PL20-6"-12"		Lead, Total	11.9
COM001-SS-PL21-0-6"		Lead, Total	130
COM001-SS-PL21-12"-18"		Lead, Total	93
COM001-SS-PL21-18"-24"		Lead, Total	792
COM001-SS-PL21-6"-12"		Lead, Total	55.8
COM001-SS-PL22-0-6"		Lead, Total	21.7
COM001-SS-PL22-12"-18"		Lead, Total	14.9
COM001-SS-PL22-18"-24"		Lead, Total	17.7
COM001-SS-PL22-6"-12"		Lead, Total	18.2
COM001-SS-PL23-0-6"		Lead, Total	21
COM001-SS-PL23-12-18"		Lead, Total	20.9
COM001-SS-PL23-18-24"	mg/Kg	Lead, Total	15.2
COM001-SS-PL23-10-24	mg/Kg	Lead, Total	23.9
COM001-SS-PL24-0-6"		Lead, Total	18.2
COM001-SS-PL24-0-0		Lead, Total	13.5
COM001-SS-PL24-12-16		Lead, Total	15.6
COM001-SS-PL24-10-24 COM001-SS-PL24-6-12"	mg/Kg	Lead, Total	11.9
COM001-SS-PL25-0-6"		Lead, Total	17
COM001-SS-PL25-0-0		Lead, Total	15.9
COM001-SS-PL25-12-16		Lead, Total	15.2
COM001-SS-PL25-16-24		Lead, Total	14.8
COM001-SS-PL25-0-12		Lead, Total	22.9
COM001-SS-PL26-12-18		Lead, Total	12
COM001-SS-PL26-12-16			14.6
COM001-SS-PL26-16-24		Lead, Total Lead, Total	13.9
COM001-SS-PL26-6-12		Lead, Total	23
			9.7
COM001-SS-PL27-12"-18"	mg/Kg	Lead, Total Lead, Total	9.2
COM001-SS-PL27-18"-24"	mg/Kg	Lead, Total	13.2
COM001-SS-PL27-6"-12"	mg/Kg	Lead, Total	39.3
COM001-SS-PL28-0-6	mg/Kg	Lead, Total	41.5
COM001-SS-PL28-12-18	mg/Kg	Lead, Total	
COM001-SS-PL28-18-24		Lead, Total	17.4
COM001-SS-PL28-6-12		Lead, Total	24.4
COM001-SS-PL29-0-6"		Lead, Total	
COM001-SS-PL29-12-18"		Lead, Total	12.5
COM001-SS-PL29-18-24"		Lead, Total	10.2
COM001-SS-PL29-6-12"	mg/Kg	Lead, Total	14.2
COM001-SS-PL30-0-6"		Lead, Total	19.8
COM001-SS-PL30-12-18"	mg/Kg		15.9
COM001-SS-PL30-18-24"	Img/Kg	Lead, Total	19.7

Table 2 - Process Area and Power Line Sites Lead Data

COM001-SS-PL3-0-6		Lead, Total	47.6
COM001-SS-PL30-6-12"		Lead, Total	18.9
COM001-SS-PL31-0-6"		Lead, Total	19.1
COM001-SS-PL31-12-18"		Lead, Total	14.9
COM001-SS-PL31-18-24"	mg/Kg	Lead, Total	14.3
COM001-SS-PL3-12-18		Lead, Total	11.2
COM001-SS-PL31-6-12"		Lead, Total	13.8
COM001-SS-PL3-18-24		Lead, Total	11.4
COM001-SS-PL32-0-6"		Lead, Total	209
COM001-SS-PL32-12-18"		Lead, Total	22.6
COM001-SS-PL32-18-24"		Lead, Total	17.2
COM001-SS-PL32-6-12"		Lead, Total	46.8
COM001-SS-PL33-0-6"		Lead, Total	92.1
COM001-SS-PL33-12-18"		Lead, Total	17.3
COM001-SS-PL33-6-12"	mg/Kg	Lead, Total	24.6
COM001-SS-PL34-0-6"	mg/Kg	Lead, Total	16.2
COM001-SS-PL34-12-18"	mg/Kg	Lead, Total	18.7
COM001-SS-PL34-18-24"	mg/Kg	Lead, Total	14.3
COM001-SS-PL34-6-12"	mg/Kg	Lead, Total	15.6
COM001-SS-PL35-0-6"	mg/Kg	Lead, Total	14.8
COM001-SS-PL35-12-18"		Lead, Total	17.7
COM001-SS-PL35-6-12"		Lead, Total	18.9
COM001-SS-PL36-0-6"		Lead, Total	13.2
COM001-SS-PL3-6-12		Lead, Total	25.1
COM001-SS-PL36-12-18"		Lead, Total	20
COM001-SS-PL36-18-24"		Lead, Total	16
COM001-SS-PL36-18-24"		Lead, Total	19.6
COM001-SS-PL36-6-12"		Lead, Total	14.6
COM001-SS-PL38-0-6"	mg/Kg	Lead, Total	17.2
COM001-SS-PL38-12-18"		Lead, Total	12.9
COM001-SS-PL38-18-24"		Lead, Total	12.1
COM001-SS-PL38-6-12"		Lead, Total	12.7
COM001-SS-PL39-0-6"		Lead, Total	18.6
COM001-SS-PL39-12-18"		Lead, Total	13.1
COM001-SS-PL39-18-24"		Lead, Total	13.6
COM001-SS-PL39-6-12"		Lead, Total	15.1
COM001-SS-PL40-0-6"		Lead, Total	48.2
COM001-SS-PL40-12-18"	mg/Kg	Lead, Total	14.1
COM001-SS-PL40-18-24"	mg/Kg	Lead, Total	10.1
COM001-SS-PL4-0-6"	mg/Kg	Lead, Total	56.9
COM001-SS-PL40-6-12"		Lead, Total	6.2
COM001-SS-PL41-0-6"	mg/Kg	Lead, Total	28.3
COM001-SS-PL41-12-18"	mg/Kg	Lead, Total	20.4
COM001-SS-PL41-18-24"	mg/Kg		21.3
COM001-33-PL41-10-24	mg/Kg		65.8
COM001-SS-PL41-6-12"	mg/Kg	Lead, Total	14.8
COM001-SS-PL41-6-12	ma/Ka	Lead, Total	52.3
COM001-SS-PL4-16 -24	mg/Kg	Lead, Total	12.5
COM001-SS-PL42-0-6	ma/ka	Lead, Total	7.9
	mg/Kg	Load Total	7.8
COM001-SS-PL42-18-24"		Lead, Total	6.3
COM001-SS-PL42-6-12"	ma/Ka	Lead, Total	17.5
COM001-SS-PL43-0-6"	Img/Kg	Lead, Total	17.5

Table 2 - Process Area and Power Line Sites Lead Data

1 4010 = 1100000 71104 4110			
COM001-SS-PL43-12-18"	mg/Kg	Lead, Total	12.3
COM001-SS-PL43-18-24"		Lead, Total	11.1
COM001-SS-PL43-6-12"		Lead, Total	18.6
COM001-SS-PL44-0-6"	mg/Kg	Lead, Total	14.2
COM001-SS-PL44-12-18"	mg/Kg	Lead, Total	15.4
COM001-SS-PL44-18-24"	mg/Kg	Lead, Total	17.2
COM001-SS-PL44-6-12"		Lead, Total	16
COM001-SS-PL4-6-12"		Lead, Total	51.3
COM001-SS-PL5-0-6		Lead, Total	41.9
COM001-SS-PL5-12-18		Lead, Total	26.3
COM001-SS-PL5-18-24	mg/Kg	Lead, Total	16.7
COM001-SS-PL5-18-24"	mg/Kg	Lead, Total	14.4
COM001-SS-PL5-6-12	mg/Kg	Lead, Total	27.3
COM001-SS-PL6-0-6"	mg/Kg	Lead, Total	60.3
COM001-SS-PL6-12"-18"	mg/Kg	Lead, Total	52.1
COM001-SS-PL6-18"-24"		Lead, Total	29.9
COM001-SS-PL6-6"-12"		Lead, Total	50.4
COM001-SS-PL7-0-6"	mg/Kg	Lead, Total	1780
COM001-SS-PL7-6"-12"		Lead, Total	710
COM001-SS-PL7-12"-18"	mg/Kg	Lead, Total	108
COM001-SS-PL7-18"-24"	mg/Kg	Lead, Total	48.4
COM001-SS-PL8-0-6"		Lead, Total	50.6
COM001-SS-PL8-12"-18"	mg/Kg	Lead, Total	55.6
COM001-SS-PL8-18"-24"	mg/Kg	Lead, Total	31
COM001-SS-PL8-6"-12"	mg/Kg	Lead, Total	91.1
COM001-SS-PL9-0-6"	mg/Kg	Lead, Total	89.9
COM001-SS-PL9-12"-18"		Lead, Total	71.2
COM001-SS-PL9-18"-24"	mg/Kg	Lead, Total	46.9
COM001-SS-PL9-6"-12"		Lead, Total	92.2
COM001-SS-TS2-0-6"	mg/Kg	Lead, Total	7.8
COM001-SS-TS2-10'		Lead, Total	20.5
COM001-SS-TS2-12'	mg/Kg	Lead, Total	6.3
COM001-SS-TS2-2'		Lead, Total	7.2
COM001-SS-TS2-4'		Lead, Total	13.8
COM001-SS-TS2-6'		Lead, Total	21.6
COM001-SS-TS2-8'	mg/Kg	Lead, Total	17.4
COM001-SS-PL10-0-6	mg/Kg	Lead, Total	30
COM001-SS-PL10-6-12	mg/Kg	Lead, Total	60.5
COM001-SS-PL10-12-18	mg/Kg	Lead, Total	88.5
COM001-SS-PL1018-24	mg/Kg	Lead, Total	71
Notos:	···		

Notes:

NDEP Screening/Action Level = 400 mg/Kg

Shading Indicates a data point greater than the NDEP Screening/Action Level