

RESPONSE TO COMMENTS, PLUM MINING PUBLIC HEARING

July 27, 2011

On February 3, 2011, the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) through the Nevada Mercury Control Program (NMCP) submitted a public notice to the Nevada Appeal regarding the new Mercury Operating Permit to Construct (MOPTC) for The Plum Mining Company, LLC, AP1041-2690 (FIN A0394). In response to requests for a public hearing, on April 21, 2011 the NMCP held a public hearing in Carson City. Written and Verbal comments were received until close of the hearing.

The NMPC has completed its review of all verbal and written comments received regarding the new MOPTC for The Plum Mining Company, LLC. All comments are addressed below beginning with written comments and followed by verbal comments received during the public notice and hearing.

Written Comment No. 1

This letter is in response to an air quality permit for Plum Mining currently open for public comment (Plum Mining Company, LLC Phase-2 Nevada Mercury Operating Permit.)

I have a number of concerns as a resident of the town of Silver City, Nevada, part of the Historic Comstock area located where the ground water, surface water and air quality may be affected by activity proposed by Plum Mining.

With consideration to the information that follows, a Public Hearing and a complete Environmental Impact Statement that will address potential harmful impacts to people, animals, and water and air quality seems prudent.

The Plum Mining facility in American Flat is upstream of Silver City, in the headwaters basin of American Ravine Creek, tributary to Gold Canyon Creek and the Carson River. Keeping in mind that The Comstock area and Carson River have considerable mercury contamination due to historical mining, with both land sites and the Carson River designated as super fund sites due to mercury contamination, this poses obvious concerns about mercury. Releasing any additional mercury whatsoever into a region that is already suffering from mercury contamination seems unreasonable to me.

In additional, to be useful, the permit would not allow the mining company to test and report its own activities but would be required to hire a qualified independent consulting firm to test, report, etc.

Thank you for considering my concerns.

Quest Lakes

NMCP Response No. 1

A public hearing for the Plum Mining Company's proposed Mercury Operating Permit to Construct (MOPTC) was held on April 21, 2011, pursuant to requests made during the public comment period.

Pursuant to NAC 445B.3683.2(b), the proposed permit underwent a thorough evaluation process to determine the Nevada Maximum Achievable Control Technology (NvMACT) to be installed on (1) retort and (1) furnace to minimize the emissions of mercury to the air. "NvMACT" is defined in NAC 445B.3629.2 as "...the maximum degree of reduction of mercury emissions that is achievable for the thermal unit that emits mercury."

Several commenters requested that the NDEP direct an EIS to be completed for this project. Federal laws and regulations require the Federal government to evaluate the effects of its actions on the environment and to consider alternative courses of action by performing an Environmental Impact Statement (EIS). Any aspect of this project on Federal lands applicable to the National Environmental Policy Act of 1969 (NEPA) may require an EIS. The State does not have the authority to require an EIS; an EIS is required by Federal action.

The purview of the proposed permit action is limited to the Nevada Administrative Code contained in NAC 445B – Air Controls. Non-Air and/or non-NvMACT items including, but not limited to: local zoning, surface or ground water, site reclamation, spills, Superfund, etc. are beyond the purview of the proposed permit action. The proposed MOPTC is one step in a multi-media, multi-layered permitting process that an operator must go through to be able to construct and operate. The proposed MOPTC alone does not provide all of the necessary regulatory authority necessary to operate a mine. There will be multiple chances for the public to review and comment on the various aspects of the proposed project.

Several commenters also raised concerns over a new mining project location in a Superfund designated area. While Superfund is outside the purview of the proposed permit action it is a notable topic for discussion. The Carson River Mercury Site was listed as a Superfund site on August 30, 1990 and includes four specific soil sites and an approximate 50 mile length of the Carson River, below Carson City. One soil site of approximately 0.1 acre is located in Silver City and it was remediated in 1992. The other Superfund designated soil sites are in Dayton. The four soil sites were determined from comprehensive soil sampling at 131 mill sites. Mill sites and the Carson River are estimated to potentially have the heaviest mercury contamination based upon the historic mining processes that occurred. The remediation of the mill site in Silver City was inspected in 2003 and 2008 and the remediation was determined to be stable and effective over time. It is important to note that not all of Silver City is part of the Superfund designation.

Modern mining methods and regulatory requirements for the handling and collection of mercury are vastly different than those of historic mining which caused the environmental contamination. Modern mining strictly manages mercury and does not dump it on-site or to water bodies as historic mining did. In current mining practices mercury is not brought on-site and added to the

gold recovery process. Rather, mercury is generated during the ore refining processes as an unintentional co-product that must be captured, contained and sent offsite for storage pursuant to State and Federal regulations. The proposed permit requires the collection, monitoring and reporting of the mercury co-product.

Mercury emitted from the retort and furnace to the atmosphere during the refining process is captured and collected at 99.99%+ by utilizing the proposed NvMACT controls. NvMACT for the retort is a retort operating under negative pressure with a chilled condenser and sulfur-impregnated carbon bed. NvMACT for the furnace is to only smelt retorted material with furnace emissions treated by a baghouse followed by a sulfur impregnated carbon scrubber.

The proposed permit requires annual stack testing and continuous monitoring and recording of key operational parameters that maximize the reduction of mercury emissions. The stack testing will not be conducted by Plum Mining but by an independent testing company that reports to the NMCP. In addition, “interlocks” are required which will automatically shut-down a process should it stray outside of the optimal operational parameters.

The NMCP conducts routine, unannounced inspections to review records and operations. If the NMCP discovers a facility out of compliance with a permit requirement the NMCP has compliance and enforcement authority. The NMCP may issue a warning and/or violation, shut-down operations or revoke an operating permit.

Written Comment No. 2

I am a concerned resident of Silver City, Nevada. The Plum Mining facility in American Flats lies to the West and upstream of Silver City in the headwaters basin of American Ravine Creek, tributary to Gold Canyon Creek and the Carson River.

Because the Comstock and Carson River have a long history of mercury contamination due to mining, with both terrestrial sites and the Carson River designated super fund sites, I think this permit application should be addressed in a public hearing after an EIS-level environmental analysis by a third consulting firm chosen by your agency. The analysis should address potential impacts to water quality, human health, wildlife, and ecosystems.

Should a permit be granted, its stipulations for, operations, testing and reporting should reflect the finds of the environmental analysis.

Thank you very much for your kind attention to this matter.

Robert Elston

NMCP Response No. 2

Please see NMCP Response No. 1.

Written Comment No. 3

I am a resident of Silver City, Nevada and downstream from where this facility is proposed to be located. The Historic Comstock area is a unique place and one visited by people from all over the world (Bonanza made it a tourist attraction). Many people here make their living from that tourist industry. I believe this area should be protected with the highest standards.

I am very concerned about air quality, ground water and surface water. There is already large levels of mercury contamination that persists due to the mining practices historically used on the Comstock. It is my understanding that the Carson River still has issues involving mercury contaminates. The location of the Plumb Ming Facility is within the Carson River water shed.

How can this kind of active, one that affects many residents, be permitted within a public hearing and without a comprehensive environmental analysis by a non-bias agency, one that is not in the pockets of the mining industry?

Thank you for your careful consideration of my comments; please advise me as to a public hearing.

Catherine Mena

NMCP Response No. 3

Please see NMCP Response No. 1. and;

If it is the intent of your last paragraph to intimate that the NMCP “is a biased agency” that “is in the pockets of the mining industry” this is an unfounded accusation. The NDEP created the Nevada Mercury Control Program of its own accord, pursuant to its mission statement to protect the environment and public health. The Nevada Mercury Control Program requires the maximum achievable control technology available to be installed on thermal units that have the potential to emit mercury. The NMCP mercury regulations are the most stringent upon this industry, far exceeding those of the Federal law or those of any other State. To date the mining industry has spent over \$100 million on control technology under the NMCP to abate the emissions of mercury.

Written Comment No. 4

I reside in Silver City, NV, within the sphere of the above referenced permit application. It seems to me the applicant ought to be compelled to prepare an environmental analysis of the consequences of permitted activities in this matter, and that there out to be a public hearing in the matter. As well, regular reporting by the permit holder must be required, and reporting ought to be carried out by an independent third-party.

Your attention is appreciated.

Cashion Callaway

NMCP Response No. 4

Please see NMCP Response No. 1.

Written Comment No. 5

I am opposed to the Nevada Division of Environmental Protection (NDEP) granting Plum Mining Co. LLC (Plum) a mercury permit because it is not the correct entity. The proper entity would be Comstock Mining, Inc. Also, why can it have its processing plant where Plum had its processing plant, two miles west Gold Hill where it did not bothered anyone?

Comstock Mining, Inc. commissioned a technical report as thick as a novelette that states under 3.2 that besides its owning Billy the Kid, it also owns, "Plum Mining infrastructure which is an existing open pit gold and silver mine and a heap leach facility that will be redesigned and constructed to accommodate new ore." The heap leach facility is at Highway 342 South from Virginia City to Gold Hill turn right to American Flats Road, Township 16 N, Range 12 E Sections 5, 6, 7, 8, which is Billy the Kid owned by Comstock Mining, Inc.

On November 12, 2008, Robert T. Faber got the right in Nevada to use the name Goldspring, Inc. (Goldspring Nevada). Exhibit 4. The articles of incorporation were filed at the same date and board of directors have the same address.

A different Goldspring, Inc., a Florida corporation, merged with Goldspring Nevada on December 17, 2008. On May 7, 2010, Corrado De Gasperis signed as the CEO of Goldsprings Nevada to issue stock. On July 8, 2010, Goldspring Nevada merged in to Comstock Mining, Inc., signed by Corrado De Gasperis as president of Comstock Mining, Inc. and by Corrado De Gasperis as CEO and president of Goldsprings, Inc.

The first General Company Information for a mercury permit filed with NDEP states that the name to appear on the permit is the Plum Mining Company, LLC, the owners name was Goldsprings, Inc., the responsible official name Corrado De Gasperis, President/CEO and the contact person is Dennis M. Anderson/project manager. Mr. Anderson, P.E. has worked from Plum Mining Company LLC, Goldspring Nevada, and Comstock Mining, Inc. The location is the same as Billy the Kid.

The second General Company Information for a mercury permit filed with NDEP, list Plum Mining Company LLC as the only company and list a geologist instead of Mr. Anderson as the project manager. Also, this time the responsible official name is spelled "Degasperis." The location is the same as the Billy the Kid.

CONCLUSION

Perhaps NDEP could put the mercury permit on hold until it is determined what entity should be on the permit. After all, Comstock Mining said that it owns everything of Plum Mining in Comstock Mining own commissioned report.

Also, I do not agree with the proposed mercury permit allowing equipment to run running 24 hours a day and 7 days a week. I would agree to the proposed mercury permit allowing the equipment to run Monday through Friday 8-5. Theses limited hours would also cut down the trucks going day and night through and around Silver City. There is already a steady hum in my house since Comstock started exploration next to Silver City. Comstock personnel never go the idea that from inside of my house, I look directly inside the sound barriers of its leased exploration equipment. Where the mercury equipment is proposed to be is a location where I can also hear the sound of trucks backing up inside my house. Since the Comstock began its exploration, for the first time ever, I have had to add bird feeders to keep finches at my house where they have always lived year around.

Should not all of Plum's permits be in the name of Comstock Mining, Inc.? There is only one fatted calf, and that is Winfield Group, aka John V. Winfield and his family trust. That calf belongs to Comstock Mining, Inc. Who is actually paying for the equipment anyway?

Janet Hess Rose

NMCP Response No. 5

NAC 445B.3663 provides that a permit may be obtained by an owner or operator of a facility. Therefore the name provided on the MOPTC may be that of an operator, in this case The Plum Mining Company, LLC. Furthermore, NAC 445B.127 defines an owner or operator as “any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part.” As a Limited Liability Company (LLC), The Plum Mining Company, LLC is a legal form of company, regardless of its subsidiary relationship to Comstock Mining, Inc. The Plum Mining Company, LLC may be both the operator and owner for the proposed MOPTC.

The MOPTC does not have the purview to dictate the location of the retort and furnace proposed by Plum Mining. However; the equipment must be constructed and operated in the location specified in the application.

The MOPTC does not have the purview to arbitrarily restrict hours of operation for the retort and furnace from 8:00 AM to 5:00 PM. As a point of reference, most retort processes take longer than 9 hours. In addition, there is not a dependent relationship between truck traffic and leased exploration equipment and the operation of the proposed retort and furnace. Precious metal concentrate that is processed in a retort and furnace is not delivered via trucks. Issues regarding truck traffic and or truck noise are not within the purview of the proposed permit action.

It is not clear what the commenter intended in regards to the current finch population and the proposed future permit action.

It is not relevant to the proposed permit who pays for any facility equipment.

Written Comment No. 6

The Washoe Tribe of Nevada and California's Environmental Protection Department (WEPD) is submitting comments to the proposed Phase II Mercury Operating Permit for the Plum Mining Company, LLC. The public notice was made available to the Tribe on March 21, 2011.

According to the Environmental Protection Agency's Annual Toxics Release Inventory, Nevada mining operations are responsible for a large percentage of mercury emissions. These emission contribute on-going risks to current and future generations, valuable natural resources, as well as impacts on cultural sites. Airborne mercury travels far and has serious impacts on air, water, and soils. Mercury remediation is hard to treat, especially in soils.

In summary, the WEPD is concerned about the extent of mercury air emissions from mining operations in Nevada and the potential impacts to human health and the environment and does not support additional mercury emissions into our atmosphere.

Thank you for your consideration in review of this document.

Tara Hess-McGeown

NMCP Response No. 6

Please see NDEP response #1.

Public Comment No. 1

When you take a look at the first copy that was done by the Division of Mining. It says in that that the Billy the Kid project is located on public and private land on the southwest portion of the Virginia City range in the town of Goldhill in sections 5, 6, 7 and 8 of townships 6 north range 12 the one that was called Diablo originally. The mine site is adjacent to Highway 242 that's the Billy the Kid, and the processing facility is located approximately 2 miles west of the town of Goldhill. So that was the thing, is first they had their mining for Plum Mining was out in American Flats in the flat area.

But when you take a look as well at exhibit 2 in there that talks, this is part of a document that Comstock Mining submitted that it is approximately that fit. But I took one page out of it that talks about how what a wonderful location that Comstock Mining is. That it is available by paved highway and that they owned the Billy the Kid where this processing plant is going to be. They own it not Plum Mine, not, not, the people that are getting the permit and that the Plum infrastructure which is an existing gold pit which almost went bankrupt, and a silver mine and a heap leach facility that will be redesigned to construct and accommodate new ore. When you take a look at another permit that they did, I believe this was the air permit that is exhibit 3 they also described there exactly the Billy the Kid location. Which by the way when they back up trucks in the Billy the Kid when I'm out gardening I sometimes have to wear my sheeting protection when I'm outside my house, never mind it's 14 miles out the back of my house to the next house.

When you take a look at another exhibit that they have in here, that is exhibit 12, once again, they are talking about locating this right off of a highway and they're saying a right turn on Billy the Kid. But what they have there is the same location as Billy the Kid. What I'd like to know is why they can't do this in American Flat. I don't care if they keep their records in this white building that's been there forever at the side of the road. To use a pit that they never found any gold in for putting where we hear all the noise where out at the baghouse were gonna suck in all of the mercury and it looks like to me that they can move that out to American Flats as it is. How well have you regulated as well Mr. Art Wilson's company that installed the wrong baghouses you didn't discover that for a long time. They were ripped you didn't discover that for a long time. We have to put up with these people day and night, we listen to their

drilling we listen to their trucks go back and forth and I have had to add bird feeders out there. Why can't they move into American Flats and move all that stuff out to American Flats as it is were going to just have from the pit their planning on putting in, in the middle of an historical district it's 600 feet deep.

800 feet deep, sorry slight. It's worse than I thought. In an historical district they are going to put in where we listen to it all the time restore the Comstock is their motto, well, they're not restoring our community. I don't know why you can't make them put this where they own some other land make them go all the way out to American Flat with their big trucks that they plan on using it needs to be away from us it needs to be out in American Flats. If you take a look at my exhibits you'll understand that it's just going to be at the side of the road where Billy the Kid never got at any ore is going to have that big building there I just think it would be a better location to have it elsewhere, thank you.

Janet Hess Rose

NMCP Response No. 7

Please see NMCP Response No. 5 and;

The exact location of the thermal units at Plum Mining is 39°16'27.83 N, 119°40'11.88 W. This is located in American Flats approximately one mile southwest from the intersection of State Route 342 and Sky Lane.

Public Comment No. 2

I just want to clarify something because you showed that map of the facility in American Flat. Is that not where this new operation is going to be, is it really going to be right down on the side of the highway?

Robin Cobbey

NMCP Response No. 8

The Google earth image shown during the presentation is where the proposed retort and furnace units will be located. Please see NMCP Response No. 7.

Public Comment No. 3

Bear with me because I'm just gonna read rather than veer too far off, because this is an emotional issue and an economical issue for us as well. Okay, for the record my names Cathy Mena I'm a property owner and a resident of Silver City. The application before you today is made by Plum Mining, LLC. a solely owned subsidiary of Comstock Mining, Inc. should not be considered as a routine matter by any measure and that's for several reasons. Comstock Mining, Inc. has publically stated their intent to mine using open pit methods the greater portion if not all of the remaining mineral resources of the historic

Comstock Lode. Comstock Mining, Inc. claims that; as of November 2010 the Comstock Mine project consists of 6,412 acres of active lode mining claims in the Comstock and Silver City Mining Districts. The acreage is comprised at 892 acres of pasture lands and private lands and 5,520 acres unpatented BLM land the issue is that this permit is only one of the many regulatory requirements with each one it is a significant action.

The reasonable stewardship of this national treasure is on the table the fate of the integrity of the National Landmark Historic District is at stake. A comprehensive and robust review is only reasonable. For us the communities that live within the proposed mining area this has a high impact, economical, emotional and physical.

If this company is allowed to mine as they proposed the residents of the district will be forced to live through the environmental degradation it will cause. Be subject to the noise that the added traffic and all the life altering disruptions with this type of activity. Eventually the ore will play out and Comstock Mining Inc. will abandon their enterprise and communities will be left with what is left.

During my research I found previously during this period active mining and milling (2001 and 2007), Plum Mining, LLC generated a history of violations and numerous letters of noncompliance from regulatory agencies. I'm confident that Plum Mining will characterize these as minor and easily corrected and that everyone has been satisfactorily mitigated. But I would also suggest to you that this is a pattern of noncompliance and it appears to be their standard operating procedure.

I also found that Storey County is currently investigating alleged violations at their special use permit, which I believe will be substantiated. The location of this operation is within the boundaries of the Carson River Superfund site American Flat is at the head waters of the primary tributary to the Carson River. It's my understanding that any airborne mercury eventually becomes a surface ground contaminant. The potential to cause harm from airborne mercury emissions to the resident population may appear to be minimal however I would suggest to you that if the existing conditions of this location any potential to cause added mercury contamination is unacceptable.

Specific to the conditions of approval of this permit I would also suggest that the annual reporting and testing situation is wholly inadequate. Weekly testing and reporting would be more accurate in consideration of the location and the existing conditions. Additionally I believe that the permit would allow for self-testing self-reporting and self-record keeping on the part of the permit holder. I would respectfully request that your agency as a condition of approval require Plum Mining, LLC to provide the necessary funding for you to hire a qualified independent consulting firm to perform the monitoring task and report the findings. Otherwise you're allowing the fox to be in charge of the hen house.

In closing let me say that I'm not anti-mining. I'm an advocate for the protection and the preservation of the National Landmark Historic District. It is an inescapable conclusion that the adverse effects of contemporary open pit mining to the lands within this historic district will devastate the integrity of the district and cannot be realistically mitigated. I believe it would be unreasonable for your agency to approve this permit without full knowledge and all the environmental issues to remedy this proposed project, thank you.

NMCP Response No. 9

Please see NMCP Response No. 1. and;

The earth-moving components of mining are outside the purview of this proposed permit. This permit proposes to install maximum achievable control technology available on (1) retort and (1) furnace to minimize the emissions of mercury.

Land-use and zoning issues are outside the purview of this proposed permit. “Abandonment” of mine projects is a historic legacy of mining; new mine projects, including The Plum Mining Company, LLC will be fully bonded and insured for reclamation should the company abandon the project. Bonding and insurance occur under separate regulatory provisions and permitting actions performed by the Bureau of Mining Regulation and Reclamation.

Issues of past noncompliance from 2001 and 2007 from other regulatory agencies cannot be used to withhold due process under this proposed permit action.

Public Comment No. 4

Good morning my name is Gayle Sherman. I'm a resident of Silver Spring and a member of the Comstock Residence Association. I'm here today to voice my concerns regarding the Nevada Department of Environmental Protection's issuance of the draft mercury operating permit to construct Plum Mining, Inc.

Plum Mining, which was formerly known as Gold Spring, Inc. and now it becomes Comstock Mining, Inc. owns over 6,000 acres of covered land and private land in Virginia City Gold Hill and Dayton. Because the Comstock Mining, Inc. has had multiple incarnations it's difficult to track and regulate the totality of their permit because they have been submitted under more than one name. It appears that as recently as March 2010 there was federal unpermitted thermal units on site under American Flat known operations. NRS445B.100 states it is the public policy of the State of Nevada to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property and preserve the visibility and scenic aesthetic and historic values of the state.

Although today's hearing deals with the narrow issue of the mercury operating permit to construct and the emission of mercury from the mill at American Flats. I'm concerned about the overarching aspect of Comstock Mining Inc. plan for milling and mining in fragile historic areas. Most of CMI's holdings fall within boundaries of Virginia City National Historic Landmark and/or Comstock Historic District. I believe its BMI's plan to mill an open pit mine within the Virginia City National Historic Landmark. It's at odds with NDEP statutory mandate to protect the scenic aesthetic and historic values of the state of Nevada. I'm requesting that NDEP hold the permit in advance while considering the global consequences of open pit mining and milling at the Comstock. A piece meal approach to permitting in this instance will ultimately undermine and weaken air quality of the policy and endanger cultural and historic resources.

NMCP Response No. 10

Please see NMCP response No. 1 and;

The NMCP conducted an inspection in April 2011 at Plum Mining and no thermal units were found on site. There has not been a Federal requirement to permit thermal units until February 17, 2011. The proposed retort and furnace will also be subject the (new) Federal requirements under the National Emissions Standards for Hazardous Air Pollutants, 40 CFR Part 63, Subpart EEEEEEE.

It is beyond the purview of the proposed permit activity to hold the permit while considering the global consequences of open pit mining and milling at Plum Mining.

Public Comment No. 5

I'm Allison Woodman and I wish I had written something down and I haven't. I'd like you to deny the permit based on I feel there just isn't enough information. Listening to the questions and some of the answers it doesn't sound like there's even clarification on where the site really is. So if it is by the side of the road, what I'm envisioning, I know people who work for them I don't think you guys do, but what I'm envisioning is some truck coming right into this thing and we have some kind of hazardous disaster right in the community where we live.

I can make, I have concerns based on their history so far having I don't know, I don't know, we don't have that information yet are the answers. One of the CEO's from their company has come to our town meetings on a regular basis for the last couple of months. He's very much a politician there very much a lot of language. A lot of language without any answers without any substantive committed statements very often times. There have been some pretty clear denials and statements that their own company made in writing and they have what 3 different companies that their getting applications in the name of. So, I'm wondering where the accountability and responsibility lies. I know you didn't want to deal with the whole bonding issue. But I don't feel secure if there is if something goes wrong that there is going to be cleanup, that there is going to be accountability. I don't feel secure about the appearance in all of the regulations that you might have enforced based on the stewardship that I've already seen them do.

There currently drilling across the street from my house on an old milling and mining site. I've expressed to them in early January my concerns about the contaminates that are already getting let loose in the air because their moving dirt all around to make these stands for their drills and the wind normally blows pretty hard right from that direction towards my house and so I'm worried their kicking up all this old mercury and poisons that were used.

I guess there's some sites in Yerington actually that the national government was interested in cleaning up because of the contamination. I don't think that those sites are unlike the mill that's across my street. Across the street from my house where their drilling, that I've got a 5 year old kid living there, breathing this stuff. You can look on the hillside where there drilling and exploring and see garbage trailing down

the mountain. This is their property down the road there's been garbage dumped that haven't cleaned up any of this stuff. Just their behavior in the past in addition to several of the other speakers here have pointed out that there's already been a history of non-compliance issue. That there are already some investigations going on perhaps pulling this special permit, this special use permits because not adhering to policy.

So I think you know, what you're talking about if it's run responsibly and monitored might be okay somewhere. I don't think that it's gonna to be okay by these people in this community that were talking about and it didn't sound like you were really clear exactly, specifically, the location of this. So I just feel it's very premature, very premature to give them permission to go ahead with something of this magnitude, when there's still so many other questions left hanging in the air, there. And I just really hope that every precaution is gonna be made, to consider the preservation of our community as far as historic and the health.

I just want to add to that right on the road that there if it's right near the road that's also near a natural run off so there's some natural water run off that's going on right there. So any contaminations is going to be going in there have already been participating in the contamination from their vehicles. I mean one day there's this big cloud blast and this big huge black cloud of smoke came pouring out of one their rails, rolls, you could actually see it roll down the hill and come into the atmosphere coming right at me and my little girl who were standing there you know. I don't think that they demonstrated good stewardship I don't think they've demonstrated good mindfulness of what they're doing to the environment.

I've asked for some error and some quality controls so we can have an idea of what their kicking up way back in early January. They said they're not required to do it, well I guess there not. For all their talk about wanting to be good neighbors and good you know community members and revitalize our area they don't seem concerned whether or not their already making some poison out of their neighbors. I mean they're right smack dab in our neighborhood, you know. So I think that, they said their answer to me was we'll do it in our time not your time. I think that this demonstrates a mindset and I think it demonstrates the behavior that is really concerning to me.

I really think that a lot more investigation needs to be done about who and who all is liable and who's putting up the bond for how much and exactly where this thing is gonna be? And I want to definitely want to second that it needs to be more closely monitored, if and when and where than just once a year. I don't know what the practice is I don't know how many of these types of processing operations you have so close to communities; I really wish that we could physically go down there and look what their talking about have them physically show it to you see how many houses are living around there see how close it is to the water shed, and I guess that's it.

NMCP Response No. 11

Please refer to NMCP Responses 1, 5, and 7 and;

The purported sloppiness of the contractors under the special use permit may be more fruitfully approached by going through the issuer of the special use permit and a contact point of the Plum

Mining Company, LLC as it relates to contractors. The proposed permit action does not have purview over the special use permit and Plum's contractors.

Any pit or pond activities will be insured and bonded by the Nevada Division of Environmental Protection – Bureau of Mining Regulation and Reclamation (BMRR). If the mine were to be abandoned the bond would reclaim the affected mine areas.

Public Comment No. 6

Thank you, indulge me. I'm going to be a bit repetitive my neighbors and colleagues have said already in an articulate way, some of the statements that have here. But I will be short it will only take 3 to 5 minutes, and I do have a hand out it's a bit carried away so I got you 10 copies. So, I want to thank you for your indulgence.

So, my name is Joe McCarthy and I'm a member of the Comstock Residence Association also, and it's a Nevada non-profit and I'm a resident and a property owner in Silver City, Nevada. I formerly request this letter be included as part of the legal record which you ensured us that it will. The Comstock Residence Association is a large and active group of citizens with a common interest in preserving the integrity of the Comstock Historic District. Otherwise known as the Virginia City National Historic Landmark in short, the Landmark, and as quality of life we are very concerned about the quality of life in all of the Comstock communities that the Landmark embraces. The hearing today is to determine an emissions permit for one single project by Plum Mining LLC which is a wholly owned subsidiary as you know of Comstock Mining, Inc.

Comstock Mining Inc. has publically stated to us in our town meetings this mission to mine the remaining mineral resources of the historic Comstock Lode and that's within the national landmark. I'll remind you that the landmark is the largest national landmark in the United States. It's under the jurisdiction of the National Parks Service and it's one of the landmarks that all of Nevadans are so proud of. Plum Mining Inc. project is it has a larger master plan called the Comstock Mining project, and as Cathy said it's over 6,000 acres of active lode mine claims, 1,000 acres of mining claims within the Comstock and the Silver City mining district. And this acreage as you know is a little less than a thousand of patented claims in the remaining is on patented claims administered by the Bureau of Land Management.

The project and its counterparts have the potential cumulative direct and indirect impacts that will not be fully understood nor mitigated if this application is viewed and processed separately. The applicant has requested that the Nevada Department of Environmental Protection process this application individually as if to suggest that these mines were separate and complete projects within the independent utility. However it's in our view that the overall project has to rely on the economy of scale, the economy of scale of building whole roads, excavation processing and so forth. If these projects were evaluated individually there's a strong potential for cumulative and significant impacts of the environment that could be detrimental and un-repairable without consideration of looking at them in a collective fashion. More times necessary to evaluate all of the proposed activities under the project the Comstock Mine Project

and allow numerous federal and state agencies, town jurisdictions, Lyon County and Storey County give them the time to consider the full cumulative direct impact of all these proposed activities.

An example of another federal action and it relates to and is well stated already that the National Parks Service and the president's advisory on historic preservation these entities will make a determination also on the adverse effects before a large scale mining action can take place. These determinations have not even begun. The corresponding extensive states review which is called a section 106 reviewed by the States Historic Preservation Office also must be undertaken.

The Comstock Residence Association has become aware that the national pollution discharge elimination system is an acronym; NPDES and the storm water pollution prevention plan required by the state and federal law were not procured for recent cuts in fills associated with roadways for drilling activities that are going on in excess of one acre. Moreover the Comstock Residence Association report, we saw a drilling rig operating within an active stream channel when request were made to the US Corp of Engineers it was found that no permit application was granted. So we made calls to NDEP Bureau of Water Quality Control and the Bureau of Water Quality Pollution Control found no application was applied, or no process for the corresponding 401 state water quality certificate nor the state working in water department. This is an example of why this body should step back and not approve this individual application. It is also certain; is also uncertain what affects all, of the individual mining projects will have on the Carson River Mercury Study acronym CRMS. And the CRMS superfund long term sampling and response plan as prepared by the Nevada Department of Environmental Protection.

When you combine all of these proposed emission permits that are coming down the pipe with all other potential emission permits under Comstock Mining Inc. ownership the true impacts that effects the environment are truly unknown. Permit this project sets the stage for obvious potential for releasing additional mercury into our fresh and threatened environment. We are respectfully request that this action be continued until the federal state and local agencies can be notified. What is needed is a complete determination of affects identification of environmental impacts and whether an environmental assessment or environmental impact statement is truly necessary do to the impacts of the environment within the largest I'll remind you, national historic landmark in the United States and also consistent with the Carson River Mercury site. These individual projects are connected actions that should not be viewed separately since they both rely again, I repeat, on the economies of scale one project haul roads, excavation processing and the like, that includes that Plum Mining, LLC. Individual emissions permit should be continued and reevaluated for the overall impact of the Comstock Mining project under a more formal environmental assessment or environmental impact statement process, thank you.

NMCP Response No. 12

See Response No. 1 and;

As you point out rather adeptly there are numerous permits from various regulatory bodies required for a large-scale mining project such as The Plum Mining Company, LLC project. As such there are several opportunities to participate in permitting processes that may directly affect the potential activities regarding the degradation(s) of concern. However, the NMCP only has

purview over the installation of the maximum achievable control technology for the reduction of mercury emissions from (1) retort and (1) furnace.

The NDEP does not have authority to hold the permit pending additional notification by citizens to state and local agencies. To do so would violate timelines and actions required by regulation (NAC 445B.3683) and subject NDEP to legal repercussions. Please note that the permitting of the retort and furnace do not provide authority to develop pits and/or ponds or perform exploratory drilling.