

**EXHIBIT 1**

**EXHIBIT 1**

RECEIVED



State of Nevada  
Dept. of Conservation & Natural Resources  
State Environmental Commission  
901 South Stewart Street, Suite 4001, Carson City, Nevada 89701

JUN 16 2016

ENVIRONMENTAL PROTECTION  
SEC.HV.GOV

FORM 3: FORM FOR REQUESTING AN APPEAL HEARING  
(Provide attachments as needed)

1. Name, address, telephone number, and signature of appellant:

Name: Steve Vogel

Physical Address: 520 Mason Rd

E-mail Address: steve\_v45@hotmail.com

Telephone Number: 775-867-3589

Signature: *Steve Vogel*

Representative capacity (if applicable): Director

2. Attach copy of Nevada Division of Environmental Protection final decision, such as permit or notice of alleged violation, being appealed.

3. Specify grounds of appeal: (check all that apply)

Final decision in violation of constitutional or statutory provision;

Final decision made upon unlawful procedure;

Final decision was affected by other error of law;

Final decision was clearly erroneous in view of the reliable, probative and substantial evidence on the whole record;

Final decision was arbitrary or capricious or characterized by abuse of discretion;

4. For each ground of appeal checked above, please list the constitutional, Nevada Revised Statute (NRS), and/or Nevada Administrative Code (NAC) provision allegedly violated. Also list the statutes and/or or regulations that give the State Environmental Commission jurisdiction to hear the appeal.

I do not have the full list of broken laws but they will add up.

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

First Liberty lied to the Nevada EPA and State agency's. Silverbell Mining and Developing has had the mineral rights and Business licence since 1985 or later. First Liberty Power INC does not have a contract with Silverbell Mining. At one time Stockpile Reserves had a contract but was never valid. From information from the miners that mined it without our consent stated that First Liberty had no clue in what they were doing. At this time we do not know how much damage they caused. We do know First Liberty never paid any of their bills. Their is a lein on the Fencemaker that holds First Liberty and Silverbell Mining liable. We told First Liberty that they would have to pay there bills and a new contract would be needed. First Liberty abandoned the project and left Silverbell Mining holding the bag. History shows reckless disregard by First Liberty Power Corp and should not be trusted. Our Lawyer is aware and will be going to court soon to end all forward movement of First Liberty Power Corp.

Date of Request: 6-15-2016

Send Form to: Executive Secretary, State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, NV 89701

5. For each ground of appeal checked above, provide a brief and concise statement of the facts which provide the basis for the appeal.

First Liberty lied to the Nevada EPA and State agency's. Silverbell Mining and Developing has had the mineral rights and Business licence since 1985 or later. First Liberty Power INC does not have a contract with Silverbell Mining. At one time Stockpile Reserves had a contract but was never valid. From information from the miners that mined it without our consent stated that First Liberty had no clue in what they were doing. At this time we do not know how much damage they caused. We do know First Liberty never paid any of their bills. Their is a lein on the Fence maker that holds First Liberty and Silverbell Mining liable. We told First Liberty that they would have to pay there bills and a new contract would be needed. First Liberty abandoned the project and left Silverbell Mining holding the bag. History shows reckless disregard by First Liberty Power Corp and should not be trusted. Our Lawyer is aware and will be going to court soon to end all forward movement of First Liberty Power Corp.

C 1 F 0010

**EXHIBIT 2**

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State of Nevada Environmental Commission  
Department of Conservation and Natural Resources  
Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
Water Pollution Control Permit  
901 S. Stewart street suite 4001  
Carson City Nevada 89701

Re: Permit Number NEV2009104

Joe Sawyer P. E.

Shawn Gooch

Appeal

We, Silverbell Mining and Development were never notified or approved anyone to file or reinstate any permit of any kind on the Fencemaker property.

First Liberty Power Corp is using a contract from Stockpile Reserves an invalid contract. They have known this since Stockpile Reserves sub-leased it to First Liberty Power Corp. First Liberty bought Stockpile Reserves that had the permits. First Liberty abandoned the project and they owe tens of thousands to the people they contracted with. There is a lien against First Liberty. We notified First Liberty Power that if they wanted back on the property that a new contract would be needed. We also stated that we wanted a monthly fee of ten thousand regardless if they mined or not. Our research showed that this amount is average for our type of mine. It is obvious they are trying to circumvent the contract process. This is fraud. They even had the audacity to have my brother sign an extension knowing he was legally blind and could not read the extension. First Liberty never notified us of anything they did. They were going to do whatever they wanted without our permission. Mike Garcia has nothing to do with Silverbell Mining. Enclosed are copies of the current Silverbell Mining and development board of Directors. From this date 6-12-2016

We are aware that others are trying to take over Silverbell Mining entirely based on deception.

**We are contesting this permit. Our Lawyers will receive a copy. We do not trust First Liberty.**

Marlene T. Vogel      President of Silverbell mining and development.

*Marlene T. Vogel 6/13/16*

520 Mason Rd.

Hazen, NV 89408

775-867-3589

6/12/2016

## Public Records for Silverbell mining and Development

### 1. Silver Bell

#### a). The 2009 agreement with Stockpile

The first Liberty 2014 lease extension was never recorded.

b). Property deed from 1990 in which your grandma took her house out of the name of Silver Bell and put it into her name as an individual. (So maybe when your grandparents established Silver Bell, they put all their assets, including their house, into the name of Silver Bell.). Probably not important, but interesting.

2. Laura Gibbs-Nothing really relevant - some creditor got a money judgment against her, your grandma's house was transferred to her when your grandma died, etc.

Nothing specifically related to her and Silver Bell

### 3. Stockpile

Nothing but the Silver Bell 2009 agreement.

### 4. First Liberty Power

a) Purchase Property Agreement in Nov 2013 between First Liberty and Dan Crofoot & Chaowalit Pullapat then Notice of Default and Termination of Agreement in July 2014. Notes say related to 5833 & 5815 Upper Valley Road.

b) Memorandum of Agreement between First Liberty and Renaissance Exploration Inc in April 2014 then Release of Agreement in March 2015.

c) Default Judgment against First Liberty by Industrial Handling Equipment recorded January 11, 2016 from a Washoe County Case. (I assume Industrial Handling supplied some machinery or equipment and First Liberty didn't pay.). Then there's an "Affidavit of Richard H. Hill Pursuant to MRS 17.150.". This is a little concerning because I don't know if it's just a judgment that can be collected against First Liberty or a mining lien that can be collected against the mine itself and Silver Bell, and could force a sale to pay it off. If it's the latter, the attorney warned that this could be something that needs to be addressed pretty fast.



# SILVER BELL MINING & DEVELOPING, INC.

Business Entity Information			
Status:	Active	File Date:	06/10/1974
Type:	Domestic Corporation	Entity Number:	C1832-1974
Qualifying State:	NV	List of Officers Due:	06/30/2016
Managed By:		Expiration Date:	
Foreign Name:		On Admin Hold:	No
NV Business ID:	NV19741002353	Business License Exp:	06/30/2016

Additional Information	
	Central Index Key

Registered Agent Information			
Name:	KEN VOGEL	Address 1:	520 MASON RD
Address 2:		City:	HAZEN
State:	NV	Zip Code:	89408
Phone:		Fax:	
Mailing Address 1:	PO BOX 1475	Mailing Address 2:	
Mailing City:	FERNLEY	Mailing State:	NV
Mailing Zip Code:	89408		
Agent Type:	Noncommercial Registered Agent		

View all business entities under this registered agent ( )

Financial Information			
No Par Share Count:	0	Capital Amount:	\$ 25,000.00
Par Share Count:	25,000.00	Per Share Value:	\$ 1.00

Officers		<input type="checkbox"/> Include Inactive Officers	
<b>Treasurer - JENNY SJODEN</b>			
Address 1:	1411 STARVIEW COURT	Address 2:	
City:	SANTA ROSA	State:	CA
Zip Code:	95403	Country:	USA
Status:	Active	Email:	
<b>Secretary - JULIE A SUMMERS</b>			
Address 1:	1775 ROLLING HILLS RD	Address 2:	
City:	HAZEN	State:	NV
Zip Code:	89408	Country:	USA
Status:	Active	Email:	
<b>President - MARLENE T VOGEL</b>			
Address 1:	520 MASON RD	Address 2:	
City:	FERNLEY	State:	NV
Zip Code:	89408	Country:	USA
Status:	Active	Email:	
<b>Director - STEVEN VOGEL</b>			
Address 1:	PO BOX 1475	Address 2:	
City:	FERNLEY	State:	NV
Zip Code:	89408	Country:	USA
Status:	Active	Email:	

Actions/Amendments

[Click here to view 42 actions/amendments associated with this company \(\)](#)

Supported Internet Browser versions: Apple iOS 9, Internet Explorer 11, FireFox 45, Google Chrome 49 (available August 2016)

Disclaimer

**EXHIBIT 3**

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8 June 2016

**NOTICE OF DECISION**

**WATER POLLUTION CONTROL PERMIT  
NUMBER NEV2009104**

**First Liberty Power Corp.  
Fencemaker Project**

The Administrator of the Nevada Division of Environmental Protection (the Division) has decided to issue renewed Water Pollution Control Permit NEV2009104 to First Liberty Power Corp. This Permit authorizes the construction, operation, and closure of approved mining facilities in Pershing County, Nevada. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through 445A.447, to assure that the waters of the State will not be degraded by this operation, and that public safety and health will be protected.

The Permit will become effective 23 June 2016. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, 18 June 2016, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Shawn Gooch, P.E. at (775) 687-9557 or visit the Bureau of Mining Regulation and Reclamation website at <http://ndep.nv.gov/bmrr/index.htm>.

No comments were received during the public comment period.

**EXHIBIT 4**

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## MAILING LIST FOR PUBLIC NOTICES

Fencemaker Project NEV2009104 Renewal NOD

### Permit, Fact Sheet and Public Notice- (NOD)

DON NICHOLSON, MANAGER  
FIRST LIBERTY POWER CORP.  
7251 W LAKE MEAD BLVD, UNIT 300  
LAS VEGAS NV 89128  
Certified # 9171 9690 0935 0012 6991 21

MIKE GARCIA  
SILVERBELL MINING & DEVELOPMENT  
520 MASON ROAD  
PO BOX 1475  
HAZEN, NV 89408

SUPERVISOR – CENTRALLY ASSESSED  
DEPARTMENT OF TAXATION L G S  
1550 E COLLEGE PARKWAY NO 115  
CARSON CITY NV 89706  
INTERDEPARTMENTAL MAIL

ATTN HABITAT BUREAU  
NEVADA DEPARTMENT OF WILDLIFE  
1100 VALLEY ROAD  
RENO NV 89512  
INTERDEPARTMENTAL MAIL

KENNY PIRKLE  
FIELD MINE BIOLOGIST  
NEVADA DIVISION OF WILDLIFE  
380 WEST 'B' STREET  
FALLON NV 89406

ERIC ECKBERG  
BLM HUMBOLDT RIVER FIELD OFFICE  
5100 E WINNEMUCCA BLVD  
WINNEMUCCA, NV 89445

DARIN BLOYED, CHAIRMAN  
PERSHING COUNTY COMMISSIONERS  
P.O. DRAWER E  
400 MAIN STREET  
LOVELOCK, NV 89419

### ELECTRONIC LIST/E-MAIL for notice only

BCC All recipients for notice only with long paragraph

### Permit, Fact Sheet & Public Notice – (NOD)

GLEN MILLER  
[gcmiller@unr.edu](mailto:gcmiller@unr.edu)

TOM MYERS  
[tommyers1872@gmail.com](mailto:tommyers1872@gmail.com)

JOHN HADDER  
[john@gbrw.org](mailto:john@gbrw.org)

JERRY WHYTE  
OWNER, JLW RANCH  
[Jwhyte1545@vahoo.com](mailto:Jwhyte1545@vahoo.com)

**EXHIBIT 5**

**EXHIBIT 5**

STATE OF NEVADA

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

**Water Pollution Control Permit**

Permittee: **First Liberty Power Corp.  
Fencemaker Project  
7251 W Lake Mead Blvd, Unit 300  
Las Vegas, NV 89128**

Permit Number: **NEV2009104**  
Review Type/Year/Revision: **Renewal 2016, Revision 00**

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this Permit authorizes the Permittee to construct, operate, and close the **Fencemaker Project**, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to extract up to **36,500** tons of ore per year.

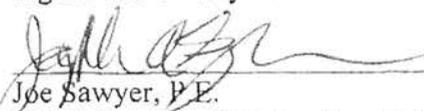
The facility is located on public land in Pershing County, Nevada, within Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

The Permittee must comply with all terms and conditions of this Permit and all applicable statutes and regulations.

This Permit is based on the assumption that the information submitted in the application of 29 May 2009, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the ability of the Permittee to comply with applicable regulations or Permit conditions.

This Permit is effective as of **23 June 2016**, and shall remain in effect until **03 October 2019**, unless modified, suspended, or revoked.

Signed this **8<sup>th</sup>** day of **June 2016**.

  
\_\_\_\_\_  
Joe Sawyer, P.E.  
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:

1. Construct, operate, and close the facility in accordance with those design plans; and
2. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

1. Prior to initiation of operations, the Permittee shall construct a bermed surge pile containment area such that:
  - i. Stormwater runoff from adjacent areas is diverted around the surge pile without entering the bermed area;
  - ii. Stormwater from within the bermed area is contained and prevented from flowing out into natural drainages;
  - iii. The base within the bermed area is to be compacted to at least 90 percent of maximum dry density (modified Proctor) to minimize infiltration of captured meteoric water.

The construction of the surge pile containment area to these specifications shall be confirmed by submittal, for Division review and approval, of a quality assurance/quality control (QA/QC) report which includes documentation of the construction and testing of the surge pile area and adjacent berms. The design and construction of the stormwater diversion berms shall be sufficient to withstand the 100-yr, 24-hour storm event.

2. By 01 July 2016, the Permittee shall submit to the Division for review and approval a plan for removal for all ore and mineralized material stored in super sacks at the JLW Ranch location near Lovelock.
3. By 31 August 2016, the Permittee shall submit to the Division for review and approval documentation that all of the mineralized material, ore, and spill material in super sacks stored at the JLW Ranch has been properly removed from the site and properly transferred to appropriate Permitted facilities within the State of Nevada or to an out of state facility. The Permittee shall notify the Division within 30 days of the completion of the removal to schedule a site inspection.
4. At least 30 days prior to restarting mining activities, the Permittee shall submit to the Division a written notice of the intention (NOI) to begin operation pursuant to Nevada Administrative Code (NAC) 445A.426. Written Division approval shall precede the restarting of mining activities.

C. The fluid management system covered by this Permit consists of the following components:

1. Ore/waste rock surge pile and loading area; and
2. 2,500 gallon settling tank and 2,500 gallon clarified water tank.

D. Monitoring Requirements:

<u>Identification</u>	<u>Parameter</u>	<u>Frequency</u>
1. <u>Mined Materials</u> Ore (O), Waste Rock (WR)	MWMP <sup>(3)</sup> -Profile I <sup>(1)</sup> and ANP/AGP <sup>(2)(4)</sup>	Quarterly
2. <u>Shipments Off-Site</u> Mined Material Shipments (MMS)	Date, tons, name and WPC Permit number of destination site	Each Shipment
3. <u>Monitoring Wells</u> MW-1 (downgradient) and MW-2 (upgradient)	Profile I <sup>(1)</sup> and water elevation (ft amsl and ft bgs)	Quarterly
4. <u>Mine Water Tanks</u> Settling Tank (ST)	Volume pumped from mine sump(s) (gal); Profile I <sup>(1)</sup>	Weekly; Annually

The Permittee may request a reduction of the monitoring frequency after four quarters of complete monitoring based on justification other than cost. Such reductions may be considered modifications to the Permit and require payment of modification fees.

Abbreviations:

ft amsl = feet above mean sea level; ft bgs = feet below ground surface; gal = gallons; mg/L = milligrams per liter; MWMP = Meteoric Water Mobility Procedure; ANP/AGP = Acid Neutralizing Potential:Acid Generation Potential ratio; SU = standard units; CaCO<sub>3</sub> = calcium carbonate; N = nitrogen; μS/cm = microSiemens per centimeter

Footnotes:

(1) Profile I:

Alkalinity (as CaCO <sub>3</sub> )	Cadmium	Magnesium	Silver
Bicarbonate	Calcium	Manganese	Sodium
Total	Chloride	Mercury	Sulfate
Aluminum	Chromium	Nitrate + Nitrite (as N)	Thallium
Antimony	Copper	Nitrogen Total (as N)	Total Dissolved Solids
Arsenic	Fluoride	pH (± 0.1 SU) <sup>(6)</sup>	Zinc
Barium	Iron	Potassium	—
Beryllium	Lead	Selenium	—

- (2) When static testing<sup>(4)</sup> characterization of Mined Materials shows the potential for acid generation as set forth in the current version of the Division guidance document “Waste Rock, Overburden, and Ore Evaluation”, the Permittee shall, as applicable, notify the Division in writing and initiate kinetic testing<sup>(5)</sup> within 10 days.

If the kinetic test results indicate acid generation conditions exist, the Permittee shall submit in writing, within 30 days, the methods proposed for providing containment of these materials and the anticipated impact this acid generation potential may have on final stabilization of all components affected as defined in NAC 445A.359.

- (3) The Meteoric Water Mobility Procedure (MWMP) shall be performed by a Nevada approved laboratory in accordance with American Society for Testing and Materials (ASTM) Method E 2242 (or the most current method).
- (4) Acid Neutralizing Potential/Acid Generating Potential (ANP/AGP, also known as static testing or acid-base accounting) shall be performed by a Nevada-approved laboratory, using a LECO-type analysis, with full sulfur speciation, in accordance with the 2015 Update Nevada Modified Sobek Procedure.
- (5) Kinetic testing (humidity cell testing) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method D 5744-07 Option ‘A’ (or the most current approved method); tests shall be run for a minimum of 20 weeks and for a longer duration if warranted or recommended by the analytical laboratory or required by the Division; samples shall be collected weekly (all weeks) and measurements shall be recorded for redox potential, pH, specific conductance ( $\mu\text{S}/\text{cm}$ ), acidity and/or alkalinity (as deemed appropriate by the laboratory), sulfate, iron (total, plus ferric and ferrous speciation if total iron > 0.6 mg/L and pH < 5 SU), and dissolved calcium and magnesium; weekly filtered extracts per the method will be digested and analyzed for total recoverable concentrations during week 0, 1, 2, 4, 8, 12, 16, and 20; 4-week extracts thereafter (i.e., week 24, 28, 32, etc.) shall be analyzed by a Nevada-certified analytical laboratory for Profile I<sup>(2)</sup> parameters, and specific conductance ( $\mu\text{S}/\text{cm}$ ), and acidity and/or alkalinity shall be recorded as recommended by the analytical laboratory; final results reported shall include initial and final static test results<sup>(4)</sup>, a Profile I<sup>(1)</sup> analysis of the final leachate, all kinetic test results above, and any additional analyses required by the Division.
- (6) All sample analyses resulting in a pH value less than or equal to 5.0 SU shall also be analyzed for acidity (mg/L, as  $\text{CaCO}_3$  equivalent).

E. Quarterly and annual monitoring reports shall be in accordance with Part II.B.

F. All sampling and analytical accuracy shall be in accordance with Part II.E.

G. Permit Limitations

1. Failure to meet a Schedule of Compliance date.

2. No chemicals may be stored at the site or used at any stage of the mining process described in this Permit.
3. Maximum allowable size of the ore/waste rock surge pile is limited to 30 feet wide by 30 feet long by 15 feet high. Stockpiling of ore or waste rock outside of the surge pile containment area is prohibited.
4. Residence time of ore on the surge pile is limited to 20 days.
5. Underground mining below the water table, as determined by direct measurement in a monitoring well, is prohibited.
6. Discharge of excess mine water without a valid discharge Permit is prohibited.
7. Presence of fluid on single-lined containment for more than 20 days is prohibited.
8. For accounting purposes, any mined material shipped off-site to the processing facility will be considered to be ore and is subject to the annual 36,500 ton limit, even if some is later returned to the mine for disposal. Any mined material which does not leave the site may be considered waste rock.
9. In the event that mining activities encounter groundwater in quantities too great to manage through its use for drilling and dust control, or by storing it in the 2,500 gal water tanks, the Permittee shall suspend mining operations immediately and notify the Division. The Permittee shall submit a corrective action plan to the Division within 30 days. Depending on the extent and nature of the water body encountered, the Division may require modification of the Permit to add monitoring of the groundwater, including the addition of monitoring wells as appropriate. If discharge of the encountered water is proposed, Division approval of a separate Permit application for the appropriate discharge will be required prior to initiation of the discharge or continuation of mining.
10. Make-up water shall be added to the 2,500 gallon clarified water tank only.
11. Mine water accumulating in the underground sump(s) shall be added to the 2,500 gallon settling tank only.
12. Ore or other mined material may not be stored, stockpiled, delivered to, or disposed of at any location within the State of Nevada that does not have a valid Permit to do so from the Division.

Exceedances of these limitations may be Permit violations and shall be reported as specified in Part II.B.4.

- H. The facility shall maintain an automated or manual calibrated rain gauge, which shall be monitored at least daily, to record precipitation (inches of water) every day that the site is manned. A written and/or electronic record of all daily accumulations of precipitation shall be maintained on site.
- I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible,

and after major storm events. These inspections are performed to detect evidence of:

1. Deterioration, malfunction, or improper operation of control systems;
  2. Sudden changes in the level of the contents of any monitoring device; and
  3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
- J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final plan for permanent closure.
- K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this Permit and every year thereafter until the Permit is terminated or the facility has received final closure certification from the Division.
- L. The Permittee shall not dispose of or treat Petroleum-Contaminated Soil (PCS) on the mine site without first obtaining from the Division approval of a PCS Management Plan.
- M. When performing dust suppression activities, the Permittee shall use best management practices and appropriate selection of water source and additives to prevent degradation of waters of the State. If a dust suppressant exceeds a water quality standard and the corresponding natural background water concentration in the area where dust suppression will occur, the Permittee shall demonstrate no potential to degrade waters of the State.
- N. Continuing Investigations: None Required
- II. General Facility Conditions and Limitations
- A. General Requirements
1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the Permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued Permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
  2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by the Permittee to achieve compliance with the terms and conditions of this Permit.
  3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this

information may be grounds for revocation or modification of this Permit and appropriate enforcement action.

#### B. Reporting Requirements

1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28<sup>th</sup> day of the month following the quarter and must contain the following:
  - a. Analytical results of the MWMP-Profile I and ANP/AGP testing for the materials identified in Part I.D.1, reported on Nevada Division of Environmental Protection (NDEP) Form 0190 or equivalent;
  - b. A record of all shipments off-site identified in Part I.D.2 including (for each shipment) date, number of tons, destination, and if delivered to a site within the State of Nevada, Water Pollution Control Permit number of the receiving facility;
  - c. Monitoring data and analytical results for monitoring wells listed in Part I.D.3, reported on NDEP form 0190 or equivalent;
  - d. Pumped volume data and analytical results identified in Part I.D.4 reported on NDEP form 0190 or equivalent;
  - e. For any kinetic test initiated, continued, or terminated with Division approval during the quarter, provide a brief report of the test status and an evaluation of the results to date, which shall include all analytical data generated from the date testing was initiated through the reporting quarter; and
  - f. A record of releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which are inactive, or have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

2. The Permittee shall submit an annual report by February 28<sup>th</sup> of each year, for the preceding calendar year, which contains the following:
  - a. Analytical results of water quality samples collected from the location identified in Part I.D.4 reported on NDEP Form 0190 or equivalent;
  - b. A synopsis of releases on NDEP Form 0390 or equivalent;
  - c. A brief summary of site operations, including the number of tons of ore mined and shipped off site, the number of tons of waste rock returned to the mine as backfill during the year, construction and expansion activities, and major problems with the fluid management system;

- d. A table of total monthly precipitation amounts recorded in accordance with Part I.H, reported for the five-year history previous to the date of submittal;
  - e. An updated version of the facility monitoring and sampling procedures and protocols;
  - f. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
  - g. Graphs of pH, total dissolved solids (TDS), sulfate, antimony, chloride, nitrate + nitrite (as N), fluoride, zinc, and arsenic concentration (as applicable), versus time for MWMP analysis results on ore and waste rock, and water analysis from the settling tank. These graphs shall display a five-year history previous to the date of submittal. Additional parameters may be required by the Division if deemed necessary.
3. Release Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all releases must be reported as per NAC 445A.347 or NAC 445A.3473, as appropriate.
- a. A release of any quantity of hazardous substance, as defined at NAC 445A.3454, to surface water, or that threatens a vulnerable resource, as defined at NAC 445A.3459, must be reported to the Division as soon as practicable after knowledge of the release, and after the Permittee notifies any emergency response agencies, if required, and initiates any action required to prevent or abate any imminent danger to the environment or the health or safety of persons. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b.
  - b. A release of a hazardous substance in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 Code of Federal Regulations Part 302 must be reported as required by NAC 445A.3473 and Part II.B.3.a.
  - c. A release of a non-petroleum hazardous substance not subject to Parts II.B.3.a. or II.B.3.b., released to soil or other surfaces of land, and the total quantity is equal to or exceeds 500 gallons or 4,000 pounds, or that is discovered in or on groundwater in any quantity, shall be reported to the Division no later than 5:00 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b. Smaller releases, with total quantity greater than 25 gallons or 200 pounds and less than 500 gallons or 4,000 pounds, released to soil or

other surfaces of land, or discovered in at least three cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.

- d. Petroleum Products and Coolants: If a release is subject to Parts II.B.3.a. or II.B.3.b., report as specified in Part II.B.3.a. Otherwise, if a release of any quantity is discovered on or in groundwater, or if the total quantity is equal to or greater than 100 gallons released to soil or other surfaces of land, report as specified in Part II.B.3.c. Smaller releases, with total quantity greater than 25 gallons but less than 100 gallons, released to soil or other surfaces of land, or if discovered in at least three cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
4. The Permittee shall report to the Administrator any noncompliance with the Permit.
- a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5:00 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
    - i. Name, address, and telephone number of the owner or operator;
    - ii. Name, address, and telephone number of the facility;
    - iii. Date, time, and type of incident, condition, or circumstance;
    - iv. If reportable hazardous substances were released, identify material and report total gallons and quantity of contaminant;
    - v. Human and animal mortality or injury;
    - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
    - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
  - b. A written summary shall be provided within 10 days of the time the Permittee makes the oral report. The written summary shall contain:
    - i. A description of the incident and its cause;
    - ii. The periods of the incident (including exact dates and times);
    - iii. If reportable hazardous substances were released, the steps taken and planned to complete, as soon as reasonably practicable, an assessment of the extent and magnitude of the contamination pursuant to NAC 445A.2269;
    - iv. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and
    - v. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
  - i. Determine the effect and extent of each incident;
  - ii. Minimize any potential impact to the waters of the State arising from each incident;
  - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
  - iv. Minimize the endangerment of the public health and safety which arises from each incident.
- d. If required by the Division, the Permittee shall submit, as soon as reasonably practicable, a final written report summarizing any related actions, assessments, or evaluations not included in the report required in Part II.B.4.b., and including any other information necessary to determine and minimize the potential for degradation of waters of the State and the impact to human health and the environment. Submittal of the final report does not relieve the Permittee from any additional actions, assessments, or evaluations that may be required by the Division.

#### C. Administrative Requirements

1. A valid Permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for Permit renewal not later than 120 days before the Permit expires.
2. Except as required by NAC 445A.419 for a Permit transfer, the Permittee shall submit current Permit contact information described in paragraphs (a) through (c) of subsection 2 of NAC 445A.394 within 30 days after any change in previously submitted information.
3. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
4. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this Permit, or to determine compliance with this Permit.
5. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the permitted facilities at all times.
6. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart or data logger recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This period of retention must be extended during the course of any unresolved litigation.

7. The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not thereby be affected.
8. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this 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 Federal, State or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this Permit. NRS 445A.675 provides that any person who violates a Permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

#### D. Division Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

1. Enter the premises of the Permittee where a regulated activity is conducted or where records are kept per the conditions of this Permit;
2. Have access to and copy any record that must be kept per the conditions of this Permit;
3. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this Permit; and
4. Sample or monitor for any substance or parameter at any location for the purposes of assuring Permit and regulatory compliance.

#### E. Sampling and Analysis Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. For each measurement or sample taken pursuant to the conditions of this Permit, the Permittee shall record the following information:
  - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
  - b. The person(s) who inspected, observed, measured, or sampled.
3. Samples must be taken, preserved, and labeled according to Division approved methods.
4. Standard environmental monitoring chain of custody procedures must be followed.
5. Samples shall be analyzed by a laboratory certified or approved by the State of Nevada as applicable for the method(s) being performed. The Permittee

must identify in all required reports the certified and approved laboratories used to perform the analyses, analytical methods performed, laboratory reference number, sample dates and laboratory test dates.

6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and be reliable to at least two significant digits. The analytical methods used must have a practical quantitation limit (PQL) equal to or less than one-half the reference value for Profile I parameters. Laboratories shall report the lowest reasonable PQL based on in-house method detection limit studies. Samples for Profile I parameters shall be filtered and analyzed for the dissolved fraction, unless otherwise required by the Division.

#### F. Permit Modification Requirements

1. Any material modification, as defined at NAC 445A.365, or plan to construct a new process component, or proposed change to Permit requirements must be reported to the Division by submittal of an application for a Permit modification, or if such changes are in conformance with the existing Permit, by submittal of a written notice of the changes. The Permit modification application must comply with NAC 445A.391 through 445A.399, 445A.410, 445A.412, 445A.414, 445A.415, 445A.416, 445A.417, 445A.440, and 445A.442, as applicable. The construction or modification shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.
2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in a previously submitted application or report, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials and areas to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as Permit modification.
3. The Permittee shall notify the Division in writing at least 30 days before the introduction of process solution into a new process component or into an existing process component that has been materially modified, or of the intent to commence active operation of that process component. Before introducing process solution or commencing active operation, the Permittee shall obtain written authorization from the Division.
4. The Permittee must obtain a written determination from the Administrator of any planned process component construction or material modification, or any proposed change to Permit requirements, as to whether it is considered a Permit modification, and if so, what type.

5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with Permit requirements.

Prepared by: Shawn Gooch, P.E.

Date: 3 June 2016

Revision 00: Renewal 2016

**EXHIBIT 6**

**EXHIBIT 6**

**FACT SHEET**  
(Pursuant to Nevada Administrative Code [NAC] 445A.401)

Permittee Name: **First Liberty Power Corp.**

Project Name: **Fencemaker Project**

Permit Number: **NEV2009104**

Review Type/Year/Revision: **Renewal 2016, Fact Sheet Revision 00**

**A. Location and General Description**

The facility is located on public land in Pershing County, Nevada, within Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

The Fencemaker Project is an underground mining facility operated for the purpose of extracting antimony ore for off-site crushing and processing at a separately permitted mill facility. No crushing, beneficiation, or long-term stockpiling of the ore is permitted at the site. The Fencemaker Project is permitted as a physical separation facility pursuant to NAC 445A.414 and, as such, no chemicals are permitted to be used or stored at the facility. The facility is required to be designed, constructed and must be operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

In June 2011, the Permittee submitted a minor modification proposing to make the following changes:

1. Increase the permitted size of the surge pile, within the containment area, to 30 feet by 30 feet by 15 feet high;
2. Allow for mining below 5,220 feet amsl;
3. Allow for disposal of waste rock within inactive areas of the underground mine; and
4. Add two 500 gallon (gal) water tanks for storage and recycling of water used for mining (later increased to 2,500 gal each in an Engineering Design Change (EDC) approved by the Division in September 2013).

The minor modification was approved by the Division in July 2012. However, items 2 and 3 were conditionally approved with the requirement that a downgradient monitoring well be drilled to verify depth to groundwater and provide a monitoring point to verify that mining and waste rock disposal do not occur below the water table. Once completed, the static water level in the well was measured by the well driller to be approximately 60 feet below ground

surface (ft bgs), or approximately 5660 feet above mean sea level (ft amsl). The Permit prohibits mining below the measured water table.

## **B. Synopsis**

The mine is located at an elevation of approximately 5720 ft amsl in the Fencemaker Pass in an area of historic antimony mining going back to the first half of the 20<sup>th</sup> century. Mining activity at the facility includes underground removal of antimony ore (stibnite), with all post mining beneficiation to occur at an off-site, permitted mill (separate permit). Facility components include the underground workings, an ore/waste rock surge pile and loading area at the exit of the underground workings, and a protective berm for diversion of stormwater runoff away from the surge pile. Ore shipments off-site are limited by the Permit to 36,500 tons per year and must be directly shipped to either an out of state facility of a Nevada Permitted facility, approved by the Division, for storage and processing.

Mining in the underground workings will consist of physical removal using a small front-end loader. The mined material (ore and waste rock) is then transported out of the mine and deposited on the surge pile. Upon arrival of the haul truck, the ore will be loaded and transported by the truck to the off-site mill facility. Long-term stockpiling of ore at the site is not allowed by the Permit; the residence period for ore in the surge pile is limited to 20 days and the size of the surge pile is limited to 30 feet wide by 30 feet long by 15 feet high.

Waste rock will be stockpiled on the surge pile until space becomes available in the mine to backfill a stope that is no longer active. In addition, some low grade mined material may return from the process facility and may be used as backfill in inactive areas of the underground mine, subject to Division approval based on material characterization. Surface stockpiling or disposal of any mined material outside of the surge pile containment area is prohibited by the Permit.

Analytical results (Meteoric Water Mobility Procedure – Profile I) of ore and waste rock leachate indicate that antimony (5.7 milligrams per liter [mg/L]), arsenic (0.019 mg/L), sulfate (760 mg/L), and TDS (1900 mg/L) exceed the Profile I reference values. Static test results from representative ore and waste rock samples indicate high neutralizing potential (700 tons/kton) and relatively low acid generating potential (10 tons/kilo-ton total Sulfur). Routine waste rock and ore characterization will continue according to the Permit requirements.

Three-foot high earthen berms have been provided to divert upgradient runoff resulting from the 100-year, 24-hour storm event, around the surge pile and loading area, directing storm water into existing natural drainage courses. In addition, the berm is designed to capture meteoric water within the bermed area, preventing outflow into natural drainages. The base of the bermed area is

compacted to 90 percent of maximum dry density according to American Society for Testing and Materials (ASTM) Method D1557 (Modified Proctor), to minimize infiltration.

Stormwater diversions are also provided to prevent entry of surface runoff into the mine entrance. This includes a culvert to convey stormwater flows from the upgradient roadway which would normally run in the shallow ditch alongside the road. The culvert will direct flows past the mine site and into downgradient ephemeral drainages while still allowing vehicle access to the mine entrance. Diversion structures such as ditches or wattles will be added to the brow of the hill above the mine entrance if necessary to prevent storm runoff from running into the adit (Permit modification and appropriate fee may be required for engineered stormwater diversion ditches).

The EDC of September 2013 upgraded the two 500 gal water tanks to two 2,500 gal water tanks, located them within the underground mine, and established a water management plan for the underground. Any water accumulating within the mine will be collected in one or more sumps and pumped to the first 2,500 gal tank (settling tank). Once sediments have settled sufficiently, the water will be transferred to the second 2,500 gal tank (clarified water tank). Utility water from the Lovelock public water system will also be added to the clarified water tank when necessary to support normal mining activity.

The volume of water pumped to the settling tank will be measured and reported, as well as annual sampling for Profile I parameters. These data will be evaluated over time to quantify the amount of water entering the mine. The water management plan will be revised appropriately if the system as constructed is not able to manage the quantity and quality of water encountered.

### **C. Receiving Water Characteristics**

The Fencemaker Project is located at an elevation of approximately 5,720 ft amsl, with the valley floor, directly down-slope from the mine site, residing at approximately 4,000 ft amsl. According to measurements from the downgradient monitoring well (MW-1), the water table in this area is located at approximately 5,680 ft amsl. Mining below this elevation is prohibited by the Permit.

Profile I analysis of samples of water accumulated in the mine have shown exceedances of iron (1.5 mg/L), arsenic (0.11 mg/L), antimony (2.9 mg/L), and total dissolved solids (TDS – 1,200 mg/L). Analysis of samples from the monitoring well have shown all Profile I parameters within the reference values except for TDS (1,200 mg/L) and pH (8.8 standard units).

Precipitation in the area of the mine is limited to approximately 10 inches annually, mainly as snow in winter and rain in early spring. Runoff on the surface

is ephemeral and runs from east to west into Fencemaker Canyon. No known springs or perennial streams are found within a ½- mile radius of the mine site.

**D. Procedures for Public Comment**

The Notice of the Division's intent to issue a Permit authorizing the facility to construct, operate and close, subject to the conditions within the Permit, is being sent to the **Lovelock Review-Miner** for publication. The Notice is being mailed to interested persons on the Bureau of Mining Regulation and Reclamation mailing list. Anyone wishing to comment on the proposed Permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

**E. Proposed Determination**

The Division has made the tentative determination to issue the Permit.

**F. Proposed Limitations, Schedule of Compliance, Monitoring, Special Conditions**

See Section I of the Permit.

**G. Rationale for Permit Requirements**

The facility is located in an area where annual evaporation is greater than annual precipitation. Therefore, it must operate under a standard of performance which authorizes no discharge(s) except for those accumulations resulting from a storm event beyond that required by design for containment.

The primary method for identification of escaping solution will be placed on required routine inspections of stormwater diversion berms and the area around

the surge pile, as well as sampling of site monitoring wells. Specific monitoring requirements can be found in the Water Pollution Control Permit.

#### **H. Federal Migratory Bird Treaty Act**

Under the Federal Migratory Bird Treaty Act, 16 U.S. Code 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 Code of Federal Regulations 10, 15 April 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (e.g. by covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by: Shawn Gooch, P.E.

Date: 4 June 2016

Revision 00: Renewal 2016

**EXHIBIT 7**

**EXHIBIT 7**

## MAILING LIST FOR PUBLIC NOTICES

Fencemaker Project NEV2009104 Renewal NOPA

### Draft Permit, Fact Sheet and Public Notice- (NOPA)

DON NICHOLSON, MANAGER  
FIRST LIBERTY POWER CORP.  
7251 W LAKE MEAD BLVD, UNIT 300  
LAS VEGAS NV 89128  
Certified # 9171 9690 0935 0037 6608 16

SUPERVISOR – CENTRALLY ASSESSED  
DEPARTMENT OF TAXATION L G S  
1550 E COLLEGE PARKWAY NO 115  
CARSON CITY NV 89706  
INTERDEPARTMENTAL MAIL

ATTN HABITAT BUREAU  
NEVADA DEPARTMENT OF WILDLIFE  
1100 VALLEY ROAD  
RENO NV 89512  
INTERDEPARTMENTAL MAIL

KENNY PIRKLE  
FIELD MINE BIOLOGIST  
NEVADA DIVISION OF WILDLIFE  
380 WEST 'B' STREET  
FALLON NV 89406

LARENCE BUSKER  
BLM HUMBOLDT RIVER FIELD OFFICE  
5100 E WINNEMUCCA BLVD  
WINNEMUCCA, NV 89445

DARIN BLOYED, CHAIRMAN  
PERSHING COUNTY COMMISSIONERS  
P.O. DRAWER E  
400 MAIN STREET  
LOVELOCK, NV 89419

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### ELECTRONIC LIST/E-MAIL for notice only BCC All recipients for notice only with long paragraph

### Draft Permit, Fact Sheet & Public Notice – (/NOPA)

GLEN MILLER  
[gcmiller@unr.edu](mailto:gcmiller@unr.edu)

TOM MYERS  
[tommymyers1872@gmail.com](mailto:tommymyers1872@gmail.com)

JOHN HADDER  
[john@gbrw.org](mailto:john@gbrw.org)

**EXHIBIT 8**

**EXHIBIT 8**

STATE OF NEVADA

Department of Conservation and Natural Resources

Division of Environmental Protection

Bureau of Mining Regulation and Reclamation

**Water Pollution Control Permit**

Permittee: **First Liberty Power Corp.  
Fencemaker Project  
7251 W Lake Mead Blvd, Unit 300  
Las Vegas, NV 89128**

Permit Number: **NEV2009104**  
Review Type/Year/Revision: **Renewal 2016, Revision 00**

Pursuant to Nevada Revised Statutes (NRS) 445A.300 through 445A.730, inclusive, and regulations promulgated thereunder by the State Environmental Commission and implemented by the Division of Environmental Protection (the Division), this Permit authorizes the Permittee to construct, operate, and close the **Fencemaker Project**, in accordance with the limitations, requirements and other conditions set forth in this permit. The Permittee is authorized to extract up to **36,500** tons of ore per year.

The facility is located on public land in Pershing County, Nevada, within Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

The Permittee must comply with all terms and conditions of this Permit and all applicable statutes and regulations.

This Permit is based on the assumption that the information submitted in the application of 29 May 2009, as modified by subsequent approved amendments, is accurate and that the facility has been constructed and is being operated as specified in the application. The Permittee must inform the Division of any deviation from or changes in the information in the application, which may affect the ability of the Permittee to comply with applicable regulations or Permit conditions.

This Permit is effective as of **XX Month 2016**, and shall remain in effect until **03 October 2019**, unless modified, suspended, or revoked.

Signed this **XX<sup>th</sup>** day of **Month 2016**.

---

Joe Sawyer, P.E.  
Chief, Bureau of Mining Regulation and Reclamation

I. Specific Facility Conditions and Limitations

A. In accordance with operating plans and facility design reviewed and approved by the Division the Permittee shall:

1. Construct, operate, and close the facility in accordance with those design plans; and
2. Not release or discharge any process or non-process contaminants from the fluid management system.

B. Schedule of Compliance:

1. Prior to initiation of operations, the Permittee shall construct a bermed surge pile containment area such that:
  - i. Stormwater runoff from adjacent areas is diverted around the surge pile without entering the bermed area;
  - ii. Stormwater from within the bermed area is contained and prevented from flowing out into natural drainages;
  - iii. The base within the bermed area is to be compacted to at least 90 percent of maximum dry density (modified Proctor) to minimize infiltration of captured meteoric water.

The construction of the surge pile containment area to these specifications shall be confirmed by submittal, for Division review and approval, of a quality assurance/quality control (QA/QC) report which includes documentation of the construction and testing of the surge pile area and adjacent berms. The design and construction of the stormwater diversion berms shall be sufficient to withstand the 100-yr, 24-hour storm event.

2. By 01 July 2016, the Permittee shall submit to the Division a plan for removal for all ore and excavated spill material in super sacks stored at both the Crow Foot Ranch and the JLW Ranch locations near Lovelock. In the event Liberty Processing, NEV2010101 is chosen as a milling facility for the ore, Liberty Processing and the Permittee must submit an ore characterization analysis, consistent with Permit Part I.D.1, to the Division for review and approval.
3. By 31 August 2016, the Permittee shall submit to the Division documentation that all of the mineralized material, ore, and spill material in super sacks stored at both the Crow Foot Ranch and the JLW Ranch has been properly removed from both sites and transferred to appropriate Permitted facilities within the State of Nevada or to an out of state facility. The Permittee shall notify the Division within 30 days of the completion of the removal to schedule a site inspection.
4. At least 30 days prior to restarting mining activities, the Permittee shall submit to the Division a written notice of the intention (NOI) to begin operation pursuant to Nevada Administrative Code (NAC) 445A.426. Written Division approval shall precede the restarting of mining activities.

C. The fluid management system covered by this Permit consists of the following components:

1. Ore/waste rock surge pile and loading area; and
2. 2,500 gallon settling tank and 2,500 gallon clarified water tank.

D. Monitoring Requirements:

<b><u>Identification</u></b>	<b><u>Parameter</u></b>	<b><u>Frequency</u></b>
1. <u>Mined Materials</u> Ore (O), Waste Rock (WR)	MWMP <sup>(3)</sup> -Profile I <sup>(1)</sup> and ANP/AGP <sup>(2)(4)</sup>	Quarterly
2. <u>Shipments Off-Site</u> Mined Material Shipments (MMS)	Date, tons, name and WPC Permit number of destination site	Each Shipment
3. <u>Monitoring Wells</u> MW-1 (downgradient) and MW-2 (upgradient)	Profile I <sup>(1)</sup> and water elevation (ft amsl and ft bgs)	Quarterly
4. <u>Mine Water Tanks</u> Settling Tank (ST)	Volume pumped from mine sump(s) (gal); Profile I <sup>(1)</sup>	Weekly;  Annually

The Permittee may request a reduction of the monitoring frequency after four quarters of complete monitoring based on justification other than cost. Such reductions may be considered modifications to the Permit and require payment of modification fees.

**Abbreviations:**

ft amsl = feet above mean sea level; ft bgs = feet below ground surface; gal = gallons; mg/L = milligrams per liter; MWMP = Meteoric Water Mobility Procedure; ANP/AGP = Acid Neutralizing Potential:Acid Generation Potential ratio; SU = standard units; CaCO<sub>3</sub> = calcium carbonate; N = nitrogen; μS/cm = microSiemens per centimeter

**Footnotes:**

(1) Profile I:

Alkalinity (as CaCO <sub>3</sub> )	Cadmium	Magnesium	Silver
Bicarbonate	Calcium	Manganese	Sodium
Total	Chloride	Mercury	Sulfate
Aluminum	Chromium	Nitrate + Nitrite (as N)	Thallium

Antimony	Copper	Nitrogen Total (as N)	Total Dissolved Solids
Arsenic	Fluoride	pH ( $\pm 0.1$ SU) <sup>(6)</sup>	Zinc
Barium	Iron	Potassium	—
Beryllium	Lead	Selenium	—

- (2) When static testing<sup>(4)</sup> characterization of Mined Materials shows the potential for acid generation as set forth in the current version of the Division guidance document “Waste Rock, Overburden, and Ore Evaluation”, the Permittee shall, as applicable, notify the Division in writing and initiate kinetic testing<sup>(5)</sup> within 10 days.

If the kinetic test results indicate acid generation conditions exist, the Permittee shall submit in writing, within 30 days, the methods proposed for providing containment of these materials and the anticipated impact this acid generation potential may have on final stabilization of all components affected as defined in NAC 445A.359.

- (3) The Meteoric Water Mobility Procedure (MWMP) shall be performed by a Nevada approved laboratory in accordance with American Society for Testing and Materials (ASTM) Method E 2242 (or the most current method).
- (4) Acid Neutralizing Potential/Acid Generating Potential (ANP/AGP, also known as static testing or acid-base accounting) shall be performed by a Nevada-approved laboratory, using a LECO-type analysis, with full sulfur speciation, in accordance with the 2015 Update Nevada Modified Sobek Procedure.
- (5) Kinetic testing (humidity cell testing) shall be performed by a Nevada-approved laboratory, in accordance with ASTM Method D 5744-07 Option ‘A’ (or the most current approved method); tests shall be run for a minimum of 20 weeks and for a longer duration if warranted or recommended by the analytical laboratory or required by the Division; samples shall be collected weekly (all weeks) and measurements shall be recorded for redox potential, pH, specific conductance ( $\mu\text{S}/\text{cm}$ ), acidity and/or alkalinity (as deemed appropriate by the laboratory), sulfate, iron (total, plus ferric and ferrous speciation if total iron > 0.6 mg/L and pH < 5 SU), and dissolved calcium and magnesium; weekly filtered extracts per the method will be digested and analyzed for total recoverable concentrations during week 0, 1, 2, 4, 8, 12, 16, and 20; 4-week extracts thereafter (i.e., week 24, 28, 32, etc.) shall be analyzed by a Nevada-certified analytical laboratory for Profile I<sup>(2)</sup> parameters, and specific conductance ( $\mu\text{S}/\text{cm}$ ), and acidity and/or alkalinity shall be recorded as recommended by the analytical laboratory; final results reported shall include initial and final static test results<sup>(4)</sup>, a Profile I<sup>(1)</sup> analysis of the final leachate, all kinetic test results above, and any additional analyses required by the Division.
- (6) All sample analyses resulting in a pH value less than or equal to 5.0 SU shall also be analyzed for acidity (mg/L, as CaCO<sub>3</sub> equivalent).

E. Quarterly and annual monitoring reports shall be in accordance with Part II.B.

F. All sampling and analytical accuracy shall be in accordance with Part II.E.

G. Permit Limitations

1. Failure to meet a Schedule of Compliance date.
2. No chemicals may be stored at the site or used at any stage of the mining process described in this Permit.
3. Maximum allowable size of the ore/waste rock surge pile is limited to 30 feet wide by 30 feet long by 15 feet high. Stockpiling of ore or waste rock outside of the surge pile containment area is prohibited.
4. Residence time of ore on the surge pile is limited to 20 days.
5. Underground mining below the water table, as determined by direct measurement in a monitoring well, is prohibited.
6. Discharge of excess mine water without a valid discharge Permit is prohibited.
7. Presence of fluid on single-lined containment for more than 20 days is prohibited.
8. For accounting purposes, any mined material shipped off-site to the processing facility will be considered to be ore and is subject to the annual 36,500 ton limit, even if some is later returned to the mine for disposal. Any mined material which does not leave the site may be considered waste rock.
9. In the event that mining activities encounter groundwater in quantities too great to manage through its use for drilling and dust control, or by storing it in the 2,500 gal water tanks, the Permittee shall suspend mining operations immediately and notify the Division. The Permittee shall submit a corrective action plan to the Division within 30 days. Depending on the extent and nature of the water body encountered, the Division may require modification of the Permit to add monitoring of the groundwater, including the addition of monitoring wells as appropriate. If discharge of the encountered water is proposed, Division approval of a separate Permit application for the appropriate discharge will be required prior to initiation of the discharge or continuation of mining.
10. Make-up water shall be added to the 2,500 gallon clarified water tank only.
11. Mine water accumulating in the underground sump(s) shall be added to the 2,500 gallon settling tank only.
12. Ore or other mined material may not be stored, stockpiled, delivered to, or disposed of at any location within the State of Nevada that does not have a valid Permit to do so from the Division.

Exceedances of these limitations may be Permit violations and shall be reported as specified in Part II.B.4.

- H. The facility shall maintain an automated or manual calibrated rain gauge, which shall be monitored at least daily, to record precipitation (inches of water) every day that the site is manned. A written and/or electronic record of all daily accumulations of precipitation shall be maintained on site.
  - I. The Permittee shall inspect all control devices, systems and facilities weekly. Drainage and containment systems shall also be inspected during, when possible, and after major storm events. These inspections are performed to detect evidence of:
    - 1. Deterioration, malfunction, or improper operation of control systems;
    - 2. Sudden changes in the level of the contents of any monitoring device; and
    - 3. Severe erosion or other signs of deterioration in dikes, diversions, or other containment devices.
  - J. Prior to initiating permanent closure activities at the facility or any process component within the facility, the Permittee must have an approved final plan for permanent closure.
  - K. The Permittee shall remit an annual review and services fee in accordance with NAC 445A.232 starting July 1 after the effective date of this Permit and every year thereafter until the Permit is terminated or the facility has received final closure certification from the Division.
  - L. The Permittee shall not dispose of or treat Petroleum-Contaminated Soil (PCS) on the mine site without first obtaining from the Division approval of a PCS Management Plan.
  - M. When performing dust suppression activities, the Permittee shall use best management practices and appropriate selection of water source and additives to prevent degradation of waters of the State. If a dust suppressant exceeds a water quality standard and the corresponding natural background water concentration in the area where dust suppression will occur, the Permittee shall demonstrate no potential to degrade waters of the State.
  - N. Continuing Investigations: None Required
- II. General Facility Conditions and Limitations
- A. General Requirements
    - 1. The Permittee shall achieve compliance with the conditions, limitations, and requirements of the Permit upon commencement of each relevant activity. The Administrator may, upon the request of the Permittee and after public notice (if required), revise or modify a Schedule of Compliance in an issued Permit if he determines good and valid cause (such as an act of God, a labor strike, materials shortage or other event over which Permittee has little or no control) exists for such revision.
    - 2. The Permittee shall at all times maintain in good working order and operate as efficiently as possible, all devices, facilities, or systems installed or used by

the Permittee to achieve compliance with the terms and conditions of this Permit.

3. Whenever the Permittee becomes aware that he failed to submit any relevant facts in the Permit application, or submitted incorrect information in a Permit application or in any report to the Administrator, the Permittee shall promptly submit such facts or correct information. Any inaccuracies found in this information may be grounds for revocation or modification of this Permit and appropriate enforcement action.

#### B. Reporting Requirements

1. The Permittee shall submit quarterly reports which are due to the Division on or before the 28<sup>th</sup> day of the month following the quarter and must contain the following:
  - a. Analytical results of the MWMP-Profile I and ANP/AGP testing for the materials identified in Part I.D.1, reported on Nevada Division of Environmental Protection (NDEP) Form 0190 or equivalent;
  - b. A record of all shipments off-site identified in Part I.D.2 including (for each shipment) date, number of tons, destination, and if delivered to a site within the State of Nevada, Water Pollution Control Permit number of the receiving facility;
  - c. Monitoring data and analytical results for monitoring wells listed in Part I.D.3, reported on NDEP form 0190 or equivalent;
  - d. Pumped volume data and analytical results identified in Part I.D.4 reported on NDEP form 0190 or equivalent;
  - e. For any kinetic test initiated, continued, or terminated with Division approval during the quarter, provide a brief report of the test status and an evaluation of the results to date, which shall include all analytical data generated from the date testing was initiated through the reporting quarter; and
  - f. A record of releases, and the remedial actions taken in accordance with the approved Emergency Response Plan on NDEP Form 0490 or equivalent.

Facilities which are inactive, or have not initiated mining or construction, must submit a quarterly report identifying the status of mining or construction. Subsequent to any noncompliance or any facility expansion which provides increased capacity, the Division may require an accelerated monitoring frequency.

2. The Permittee shall submit an annual report by February 28<sup>th</sup> of each year, for the preceding calendar year, which contains the following:
  - a. Analytical results of water quality samples collected from the location identified in Part I.D.4 reported on NDEP Form 0190 or equivalent;
  - b. A synopsis of releases on NDEP Form 0390 or equivalent;

- c. A brief summary of site operations, including the number of tons of ore mined and shipped off site, the number of tons of waste rock returned to the mine as backfill during the year, construction and expansion activities, and major problems with the fluid management system;
  - d. A table of total monthly precipitation amounts recorded in accordance with Part I.H, reported for the five-year history previous to the date of submittal;
  - e. An updated version of the facility monitoring and sampling procedures and protocols;
  - f. An updated evaluation of the closure plan using specific characterization data for each process component with respect to achieving stabilization; and
  - g. Graphs of pH, total dissolved solids (TDS), sulfate, antimony, chloride, nitrate + nitrite (as N), fluoride, zinc, and arsenic concentration (as applicable), versus time for MWMP analysis results on ore and waste rock, and water analysis from the settling tank. These graphs shall display a five-year history previous to the date of submittal. Additional parameters may be required by the Division if deemed necessary.
3. Release Reporting Requirements: The following applies to facilities with an approved Emergency Response Plan. If a site does not have an approved Emergency Response Plan, then all releases must be reported as per NAC 445A.347 or NAC 445A.3473, as appropriate.
- a. A release of any quantity of hazardous substance, as defined at NAC 445A.3454, to surface water, or that threatens a vulnerable resource, as defined at NAC 445A.3459, must be reported to the Division as soon as practicable after knowledge of the release, and after the Permittee notifies any emergency response agencies, if required, and initiates any action required to prevent or abate any imminent danger to the environment or the health or safety of persons. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a written report shall be provided within 10 days in accordance with Part II.B.4.b.
  - b. A release of a hazardous substance in a quantity equal to or greater than that which is required to be reported to the National Response Center pursuant to 40 Code of Federal Regulations Part 302 must be reported as required by NAC 445A.3473 and Part II.B.3.a.
  - c. A release of a non-petroleum hazardous substance not subject to Parts II.B.3.a. or II.B.3.b., released to soil or other surfaces of land, and the total quantity is equal to or exceeds 500 gallons or 4,000 pounds, or that is discovered in or on groundwater in any quantity, shall be reported to the Division no later than 5:00 P.M. of the first working day after knowledge of the release. An oral report shall be made by telephone to (888) 331-6337 for in-State callers or (775) 687-9485 for out-of-State callers, and a

written report shall be provided within 10 days in accordance with Part II.B.4.b. Smaller releases, with total quantity greater than 25 gallons or 200 pounds and less than 500 gallons or 4,000 pounds, released to soil or other surfaces of land, or discovered in at least three cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.

- d. Petroleum Products and Coolants: If a release is subject to Parts II.B.3.a. or II.B.3.b., report as specified in Part II.B.3.a. Otherwise, if a release of any quantity is discovered on or in groundwater, or if the total quantity is equal to or greater than 100 gallons released to soil or other surfaces of land, report as specified in Part II.B.3.c. Smaller releases, with total quantity greater than 25 gallons but less than 100 gallons, released to soil or other surfaces of land, or if discovered in at least three cubic yards of soil, shall be reported quarterly on NDEP Form 0390 or equivalent.
4. The Permittee shall report to the Administrator any noncompliance with the Permit.
    - a. Each such event shall be reported orally by telephone to (775) 687-9400, not later than 5:00 P.M. of the next regular work day from the time the Permittee has knowledge of the circumstances. This report shall include the following:
      - i. Name, address, and telephone number of the owner or operator;
      - ii. Name, address, and telephone number of the facility;
      - iii. Date, time, and type of incident, condition, or circumstance;
      - iv. If reportable hazardous substances were released, identify material and report total gallons and quantity of contaminant;
      - v. Human and animal mortality or injury;
      - vi. An assessment of actual or potential hazard to human health and the environment outside the facility; and
      - vii. If applicable, the estimated quantity of material that will be disposed and the disposal location.
    - b. A written summary shall be provided within 10 days of the time the Permittee makes the oral report. The written summary shall contain:
      - i. A description of the incident and its cause;
      - ii. The periods of the incident (including exact dates and times);
      - iii. If reportable hazardous substances were released, the steps taken and planned to complete, as soon as reasonably practicable, an assessment of the extent and magnitude of the contamination pursuant to NAC 445A.2269;
      - iv. Whether the cause and its consequences have been corrected, and if not, the anticipated time each is expected to continue; and

- v. The steps taken or planned to reduce, eliminate, and prevent recurrence of the event.
- c. The Permittee shall take all available and reasonable actions, including more frequent and enhanced monitoring to:
  - i. Determine the effect and extent of each incident;
  - ii. Minimize any potential impact to the waters of the State arising from each incident;
  - iii. Minimize the effect of each incident upon domestic animals and all wildlife; and
  - iv. Minimize the endangerment of the public health and safety which arises from each incident.
- d. If required by the Division, the Permittee shall submit, as soon as reasonably practicable, a final written report summarizing any related actions, assessments, or evaluations not included in the report required in Part II.B.4.b., and including any other information necessary to determine and minimize the potential for degradation of waters of the State and the impact to human health and the environment. Submittal of the final report does not relieve the Permittee from any additional actions, assessments, or evaluations that may be required by the Division.

#### C. Administrative Requirements

- 1. A valid Permit must be maintained until permanent closure is complete. Therefore, unless permanent closure has been completed, the Permittee shall apply for Permit renewal not later than 120 days before the Permit expires.
- 2. Except as required by NAC 445A.419 for a Permit transfer, the Permittee shall submit current Permit contact information described in paragraphs (a) through (c) of subsection 2 of NAC 445A.394 within 30 days after any change in previously submitted information.
- 3. All reports and other information requested by the Administrator shall be signed and certified as required by NAC 445A.231.
- 4. When ordered consistent with Nevada Statutes, the Permittee shall furnish any relevant information in order to determine whether cause exists for modifying, revoking and reissuing, or permanently revoking this Permit, or to determine compliance with this Permit.
- 5. The Permittee shall maintain a copy of, and all modifications to, the current Permit at the permitted facilities at all times.
- 6. The Permittee is required to retain during operation, closure and post-closure monitoring, all records of monitoring activities and analytical results, including all original strip chart or data logger recordings for continuous monitoring instrumentation, and all calibration and maintenance records. This

period of retention must be extended during the course of any unresolved litigation.

7. The provisions of this Permit are severable. If any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not thereby be affected.
8. The Permittee is authorized to manage fluids and solid wastes in accordance with the conditions of this 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 Federal, State or local law or regulations. Compliance with the terms of this Permit does not constitute a defense to any order issued or any action brought under the Water Pollution Control Statutes for releases or discharges from facilities or units not regulated by this Permit. NRS 445A.675 provides that any person who violates a Permit condition is subject to administrative or judicial action provided in NRS 445A.690 through 445A.705.

#### D. Division Authority

The Permittee shall allow authorized representatives of the Division, at reasonable times, and upon the presentation of credentials to:

1. Enter the premises of the Permittee where a regulated activity is conducted or where records are kept per the conditions of this Permit;
2. Have access to and copy any record that must be kept per the conditions of this Permit;
3. Inspect and photograph any facilities, equipment (including monitoring and control equipment), practices, or operations regulated by this Permit; and
4. Sample or monitor for any substance or parameter at any location for the purposes of assuring Permit and regulatory compliance.

#### E. Sampling and Analysis Requirements

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
2. For each measurement or sample taken pursuant to the conditions of this Permit, the Permittee shall record the following information:
  - a. The exact place, date, and time of the inspection, observation, measurement, or sampling; and
  - b. The person(s) who inspected, observed, measured, or sampled.
3. Samples must be taken, preserved, and labeled according to Division approved methods.
4. Standard environmental monitoring chain of custody procedures must be followed.

5. Samples shall be analyzed by a laboratory certified or approved by the State of Nevada as applicable for the method(s) being performed. The Permittee must identify in all required reports the certified and approved laboratories used to perform the analyses, analytical methods performed, laboratory reference number, sample dates and laboratory test dates.
6. The accuracy of analytical results, unless otherwise specified, shall be expressed in mg/L and be reliable to at least two significant digits. The analytical methods used must have a practical quantitation limit (PQL) equal to or less than one-half the reference value for Profile I parameters. Laboratories shall report the lowest reasonable PQL based on in-house method detection limit studies. Samples for Profile I parameters shall be filtered and analyzed for the dissolved fraction, unless otherwise required by the Division.

#### F. Permit Modification Requirements

1. Any material modification, as defined at NAC 445A.365, or plan to construct a new process component, or proposed change to Permit requirements must be reported to the Division by submittal of an application for a Permit modification, or if such changes are in conformance with the existing Permit, by submittal of a written notice of the changes. The Permit modification application must comply with NAC 445A.391 through 445A.399, 445A.410, 445A.412, 445A.414, 445A.4155, 445A.416, 445A.417, 445A.440, and 445A.442, as applicable. The construction or modification shall not commence, nor shall a change to the Permit be effective, until written Division approval is obtained.
2. Prior to the commencement of mining activities at any site within the State which is owned or operated by the Permittee but not identified and characterized in a previously submitted application or report, the Permittee shall submit to the Division a report which identifies the locations of the proposed mine areas and waste disposal sites, and characterizes the potential of mined materials and areas to release pollutants. Prior to development of these areas the Division shall determine if any of these new sources will be classified as process components and require engineered containment as well as Permit modification.
3. The Permittee shall notify the Division in writing at least 30 days before the introduction of process solution into a new process component or into an existing process component that has been materially modified, or of the intent to commence active operation of that process component. Before introducing process solution or commencing active operation, the Permittee shall obtain written authorization from the Division.
4. The Permittee must obtain a written determination from the Administrator of any planned process component construction or material modification, or any proposed change to Permit requirements, as to whether it is considered a Permit modification, and if so, what type.

5. The Permittee must give advance notice to the Administrator of any planned changes or activities which are not material modifications in the permitted facility that may result in noncompliance with Permit requirements.

Prepared by: Shawn Gooch, P.E.

Date: 22 April 2016

Revision 00: Renewal 2016

**EXHIBIT 9**

**EXHIBIT 9**

**FACT SHEET**  
(Pursuant to Nevada Administrative Code [NAC] 445A.401)

Permittee Name: **First Liberty Power Corp.**

Project Name: **Fencemaker Project**

Permit Number: **NEV2009104**

Review Type/Year/Revision: **Renewal 2016, Fact Sheet Revision 00**

**A. Location and General Description**

The facility is located on public land in Pershing County, Nevada, within Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

The Fencemaker Project is an underground mining facility operated for the purpose of extracting antimony ore for off-site crushing and processing at a separately permitted mill facility. No crushing, beneficiation, or long-term stockpiling of the ore is permitted at the site. The Fencemaker Project is permitted as a physical separation facility pursuant to NAC 445A.414 and, as such, no chemicals are permitted to be used or stored at the facility. The facility is required to be designed, constructed and must be operated and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

In June 2011, the Permittee submitted a minor modification proposing to make the following changes:

1. Increase the permitted size of the surge pile, within the containment area, to 30 feet by 30 feet by 15 feet high;
2. Allow for mining below 5,220 feet amsl;
3. Allow for disposal of waste rock within inactive areas of the underground mine; and
4. Add two 500 gallon (gal) water tanks for storage and recycling of water used for mining (later increased to 2,500 gal each in an Engineering Design Change (EDC) approved by the Division in September 2013).

The minor modification was approved by the Division in July 2012. However, items 2 and 3 were conditionally approved with the requirement that a downgradient monitoring well be drilled to verify depth to groundwater and provide a monitoring point to verify that mining and waste rock disposal do not occur below the water table. Once completed, the static water level in the well was measured by the well driller to be approximately 60 feet below ground

surface (ft bgs), or approximately 5660 feet above mean sea level (ft amsl). The Permit prohibits mining below the measured water table.

**B. Synopsis**

The mine is located at an elevation of approximately 5720 ft amsl in the Fencemaker Pass in an area of historic antimony mining going back to the first half of the 20<sup>th</sup> century. Mining activity at the facility includes underground removal of antimony ore (stibnite), with all post mining beneficiation to occur at an off-site, permitted mill (separate permit). Facility components include the underground workings, an ore/waste rock surge pile and loading area at the exit of the underground workings, and a protective berm for diversion of stormwater runoff away from the surge pile. Ore shipments off-site are limited by the Permit to 36,500 tons per year.

Mining in the underground workings will consist of physical removal using a small front-end loader. The mined material (ore and waste rock) is then transported out of the mine and deposited on the surge pile. Upon arrival of the haul truck, the ore will be loaded and transported by the truck to the off-site mill facility. Long-term stockpiling of ore at the site is not allowed by the Permit; the residence period for ore in the surge pile is limited to 20 days and the size of the surge pile is limited to 30 feet wide by 30 feet long by 15 feet high.

Waste rock will be stockpiled on the surge pile until space becomes available in the mine to backfill a stope that is no longer active. In addition, some low grade mined material may return from the process facility and may be used as backfill in inactive areas of the underground mine, subject to Division approval based on material characterization. Surface stockpiling or disposal of any mined material outside of the surge pile containment area is prohibited by the Permit.

Analytical results (Meteoric Water Mobility Procedure – Profile I) of ore and waste rock leachate indicate that antimony (5.7 milligrams per liter [mg/L]), arsenic (0.019 mg/L), sulfate (760 mg/L), and TDS (1900 mg/L) exceed the Profile I reference values. Static test results from representative ore and waste rock samples indicate high neutralizing potential (700 tons/kton) and relatively low acid generating potential (10 tons/kilo-ton total Sulfur). Routine waste rock and ore characterization will continue according to the Permit requirements.

Three-foot high earthen berms have been provided to divert upgradient runoff resulting from the 100-year, 24-hour storm event, around the surge pile and loading area, directing storm water into existing natural drainage courses. In addition, the berm is designed to capture meteoric water within the bermed area, preventing outflow into natural drainages. The base of the bermed area is compacted to 90 percent of maximum dry density according to American Society

for Testing and Materials (ASTM) Method D1557 (Modified Proctor), to minimize infiltration.

Stormwater diversions are also provided to prevent entry of surface runoff into the mine entrance. This includes a culvert to convey stormwater flows from the upgradient roadway which would normally run in the shallow ditch alongside the road. The culvert will direct flows past the mine site and into downgradient ephemeral drainages while still allowing vehicle access to the mine entrance. Diversion structures such as ditches or wattles will be added to the brow of the hill above the mine entrance if necessary to prevent storm runoff from running into the adit (Permit modification and appropriate fee may be required for engineered stormwater diversion ditches).

The EDC of September 2013 upgraded the two 500 gal water tanks to two 2,500 gal water tanks, located them within the underground mine, and established a water management plan for the underground. Any water accumulating within the mine will be collected in one or more sumps and pumped to the first 2,500 gal tank (settling tank). Once sediments have settled sufficiently, the water will be transferred to the second 2,500 gal tank (clarified water tank). Utility water from the Lovelock public water system will also be added to the clarified water tank when necessary to support normal mining activity.

The volume of water pumped to the settling tank will be measured and reported, as well as annual sampling for Profile I parameters. These data will be evaluated over time to quantify the amount of water entering the mine. The water management plan will be revised appropriately if the system as constructed is not able to manage the quantity of water encountered.

### **C. Receiving Water Characteristics**

The Fencemaker Project is located at an elevation of approximately 5,720 ft amsl, with the valley floor, directly down-slope from the mine site, residing at approximately 4,000 ft amsl. According to measurements from the downgradient monitoring well (MW-1), the water table in this area is located at approximately 5,680 ft amsl. Mining below this elevation is prohibited by the Permit.

Profile I analysis of samples of water accumulated in the mine have shown exceedances of iron (1.5 mg/L), arsenic (0.11 mg/L), antimony (2.9 mg/L), and total dissolved solids (TDS – 1,200 mg/L). Analysis of samples from the monitoring well have shown all Profile I parameters within the reference values except for TDS (1,200 mg/L) and pH (8.8 standard units).

Precipitation in the area of the mine is limited to approximately 10 inches annually, mainly as snow in winter and rain in early spring. Runoff on the surface

is ephemeral and runs from east to west into Fencemaker Canyon. No known springs or perennial streams are found within a ½- mile radius of the mine site.

**D. Procedures for Public Comment**

The Notice of the Division's intent to issue a Permit authorizing the facility to construct, operate and close, subject to the conditions within the Permit, is being sent to the **Lovelock Review-Miner** for publication. The Notice is being mailed to interested persons on the Bureau of Mining Regulation and Reclamation mailing list. Anyone wishing to comment on the proposed Permit can do so in writing within a period of 30 days following the date of public notice. The comment period can be extended at the discretion of the Administrator. All written comments received during the comment period will be retained and considered in the final determination.

A public hearing on the proposed determination can be requested by the applicant, any affected State, any affected intrastate agency, or any interested agency, person or group of persons. The request must be filed within the comment period and must indicate the interest of the person filing the request and the reasons why a hearing is warranted.

Any public hearing determined by the Administrator to be held must be conducted in the geographical area of the proposed discharge or any other area the Administrator determines to be appropriate. All public hearings must be conducted in accordance with NAC 445A.403 through NAC 445A.406.

**E. Proposed Determination**

The Division has made the tentative determination to issue the Permit.

**F. Proposed Limitations, Schedule of Compliance, Monitoring, Special Conditions**

See Section I of the Permit.

**G. Rationale for Permit Requirements**

The facility is located in an area where annual evaporation is greater than annual precipitation. Therefore, it must operate under a standard of performance which authorizes no discharge(s) except for those accumulations resulting from a storm event beyond that required by design for containment.

The primary method for identification of escaping solution will be placed on required routine inspections of stormwater diversion berms and the area around

the surge pile, as well as sampling of site monitoring wells. Specific monitoring requirements can be found in the Water Pollution Control Permit.

#### **H. Federal Migratory Bird Treaty Act**

Under the Federal Migratory Bird Treaty Act, 16 U.S. Code 701-718, it is unlawful to kill migratory birds without license or permit, and no permits are issued to take migratory birds using toxic ponds. The Federal list of migratory birds (50 Code of Federal Regulations 10, 15 April 1985) includes nearly every bird species found in the State of Nevada. The U.S. Fish and Wildlife Service is authorized to enforce the prevention of migratory bird mortalities at ponds and tailings impoundments. Compliance with State permits may not be adequate to ensure protection of migratory birds for compliance with provisions of Federal statutes to protect wildlife.

Open waters attract migratory waterfowl and other avian species. High mortality rates of birds have resulted from contact with toxic ponds at operations utilizing toxic substances. The Service is aware of two approaches that are available to prevent migratory bird mortality: 1) physical isolation of toxic water bodies through barriers (e.g. by covering with netting), and 2) chemical detoxification. These approaches may be facilitated by minimizing the extent of the toxic water. Methods which attempt to make uncovered ponds unattractive to wildlife are not always effective. Contact the U.S. Fish and Wildlife Service at 1340 Financial Boulevard, Suite 234, Reno, Nevada 89502-7147, (775) 861-6300, for additional information.

Prepared by: Shawn Gooch, P.E.

Date: 22 April 2016

Revision 00: Renewal 2016

**EXHIBIT 10**

**EXHIBIT 10**



**Notice of Proposed Action**  
**By the**  
**State of Nevada**

The Administrator of the Division of Environmental Protection (the Division) gives notice that an application for a renewal of a Water Pollution Control Permit for the **Fencemaker Project**, an underground mining facility, has been properly filed with the Division of Environmental Protection in Carson City. The Applicant for renewal of Water Pollution Control Permit **NEV2009104** (Permit) is:

**First Liberty Power Corp.**  
**7251 W Lake Mead Blvd; Unit 300**  
**Las Vegas, NV 89128**

The facility is located on public land, administered by the Bureau of Land Management, Humboldt River Field Office, in Pershing County, Nevada, within a portion of Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

The Project consists of an underground mining and temporary ore stockpile facility, pursuant to Nevada Administrative Code (NAC) 445A.414, designed to extract antimony ore, with a maximum permitted extraction rate of 36,500 tons of ore per year. The facility is comprised of an underground mine, surge pile, and loading area. No chemicals are to be used at any stage of the mining process. All ore and waste rock is transported off-site for separation, stockpiling, and/or processing at a separately permitted mill. Facilities are required to be designed, constructed, operated, and closed without any discharge or release in excess of those standards established in regulation except for meteorological events which exceed the design storm event.

The Administrator is constrained to either issue the renewed Permit or to deny the application. The Administrator has made the tentative decision to issue the renewed Permit.

Persons wishing to comment upon the proposed Permit, to recommend terms and conditions for consideration of incorporation into the Permit, or who request a public hearing pursuant to NAC 445A.403, must submit their written comments, objections, or requests by hand delivery or US Postal Service, or by facsimile or e-mail transmittal, no later than 5:00 PM on the 30<sup>th</sup> day following the date of publication of this notice (submittal end date 28 May 2016) to:

Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
901 South Stewart Street, Suite 4001  
Carson City, NV 89701-5249

All comments, objections, or requests received during the public notice period will be considered in the final determination regarding the Permit. If the Division determines written comments or requests indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 445A.405.

The draft Permit and all application documents are on file at the Division and are available for public inspection and copying pursuant to Nevada Revised Statute 445A.665. For more information, contact Shawn Gooch, P.E. at (775) 687-9557 or visit the Bureau of Mining Regulation and Reclamation website at <http://ndep.nv.gov/bmrr/index.htm>.

**EXHIBIT 11**

**EXHIBIT 11**



II. Legal name, business address and telephone number of person, partnership or corporation who operates and is responsible for the facility for which this permit application is filed. For partnership or corporation, attach on a separate sheet, the legal structure of the owner including the names, addresses, and phone numbers of all officers.

- A. *Business Name:* First Liberty Power Corp.
- B. **Mailing Address:**
  - (1) *P.O. Box or Street:* 7251 W Lake Mead Blvd; Unit 300
  - (2) *City:* Las Vegas
  - (3) *County:* Clark
  - (4) *State and Zip Code:* NV, 89128
- C. *Contact:* CEO/CFO Donald Nicholson  
*Telephone Number:* (775) 842-4896  
*Fax Number:* (702) 675-8198
- D. *E-mail address:* dnicholson@firstlibertypower.com

III. Legal name, address, and telephone number of person authorized to act on behalf of the applicant (designated agent).

- A. *Name:* Robert B Reynolds Jr.; FLPC VP Administration
- B. **Mailing Address:**
  - (1) *P.O. Box or Street:* 4301 Rushford Drive
  - (2) *City:* Hamburg
  - (3) *County:* Erie
  - (4) *State and Zip Code:* New York, 14075
- C. *Telephone Number:* (716) 998-9278  
*Fax Number:* None
- D. *E-mail address:* rreynolds@firstlibertypower.com

IV. Legal name, address, and telephone number of the owner of the land, mining claim or claims on which the proposed activity is planned or occurs. For partnership or corporation, attach on a separate sheet, the legal structure of the owner including the names, addresses, and phone numbers of all officers.

A. *Business Name:* First Liberty Power Corp.

**B. Mailing Address:**

(1) *P.O. Box or Street:* 7251 W Lake Mead Blvd; Unit 300

(2) *City:* Las Vegas

(3) *County:* Clark

(4) *State and Zip Code:* NV, 89128

C. *Contact:* CEO/CFO Donald Nicholson

*Telephone Number:* (775) 842-4896

*Fax Number:* (702) 675-8198

D. *E-mail address:* dnicholson@firstlibertypower.com

V. Location of facility

A. County or counties: Pershing County, NV

B. Township, Range, and Section(s): Section 10, Township 26 North, Range 37 East, Mount Diablo Baseline and Meridian, approximately 49 miles southeast of the town of Lovelock.

VI. Type of facility

Large-scale (All information required by NAC 445A.394 must be submitted as supporting information to this form)

Small-scale (All information required by NAC 445A.410 must be submitted as supporting information to this form)

Pilot or testing (All information required by NAC 445A.412 must be submitted as supporting information to this form)

Physical separation (All information required by NAC 445A.414 must be submitted as supporting information to this form)

VII. Anticipated size, magnitude or extent of activity

A. Acres of surface disturbance: 1.5 acres

B. Amount of ore processed in tons per year: 36,500 tons per year

VIII. Method(s) of ore processing:

Mine is currently on standby status.

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IX. Expected lifetime of activity

less than one year

one to five years

more than five years

X. Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained by the provisions, inclusive, or by any permit, rule, regulation or order issued pursuant thereto, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under the provisions, inclusive, or by any permit, rule, regulations or order issued pursuant thereto, is subject to remedies and sanctions as provided, to-wit, not more than \$25,000 per day per violation or imprisonment for not more than one year or both.

XI I certify that I am familiar with the information provided in this application and that to the best of my knowledge the information is true, complete, and accurate and that I have the authority to execute and sign this application.

Donald Nicholson  
Printed Name of Owner



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Legal Signature

CEO/CFO  
Title or Authority of Signatory

April 11, 2016  
Date of Signing

Donald Nicholson  
Printed Name of Operator



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Legal Signature

CEO/CFO  
Title or Authority of Signatory

April 11, 2016  
Date of Signing

I For partnership or corporation, attach on a separate sheet, the legal structure of the owner including the names, addresses, and phone numbers of all officers.

- Donald Nicholson (775) 842-4896  
First Liberty Power Corp. CEO/CFO  
76 Chaparral Cres SE  
Calgary Alberta T2X 3L6; Canada
- Robert B. Reynolds Jr. (716) 998-9279  
First Liberty Power Corp. VP Administration; Board Chairman  
4301 Rushford Drive  
Hamburg, NY 14075
- William Voaden 44(0) (770) 249-4656  
First Liberty Power Corp. Director  
21 Bulstrode Way  
Gerrards Cross, Bucks, UK SL9 7QT