

# American Flat Road/ Lucerne Access Right-of-Way Environmental Assessment

PUBLIC SCOPING

DOI-BLM-NV-C020-2013-0005-EA

U.S. Department of the Interior  
Bureau of Land Management  
Carson City District  
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## LIST OF ACRONYM & ABBREVIATIONS

<b>BLM</b>	Bureau of Land Management
<b>CFR</b>	Code of Federal Regulations
<b>EA</b>	Environmental Assessment
<b>EIS</b>	Environmental Impact Statement
<b>FLPMA</b>	Federal Land Policy and Management Act
<b>FONSI</b>	Finding of No Significant Impact
<b>IDT</b>	Interdisciplinary Team
<b>Comstock</b>	Comstock Mining, LLC
<b>NDOW</b>	Nevada Department of Wildlife
<b>NEPA</b>	National Environmental Policy Act
<b>NHPA</b>	National Historic Preservation Act
<b>POD</b>	Plan of Development
<b>ROW</b>	Right-of-Way
<b>SHPO</b>	State Historic Preservation Office

## **1.0 INTRODUCTION**

This report describes the scoping process for the American Flat Road/Lucerne Access Right-of-Way (ROW) Project Environmental Assessment (EA). It summarizes internal Bureau of Land Management (BLM) scoping; the input received from the public, agencies, and other interested parties; and describes the process used to identify issues raised and suggested alternatives to the Proposed Action.

Scoping is required as by part of the National Environmental Policy Act (NEPA) and the President's Council on Environmental Quality's regulations for implementing NEPA, part of the Code of Federal Regulations (CFR) (40 CFR 1500-1508). The purpose of scoping is to provide an opportunity for the public to learn about the proposed project and help the BLM identify issues and concerns to be considered in the EA, along with other environmental review and consultation required (40 CFR 1501.7).

The BLM initiated scoping for the American Flat Road/Lucerne Access ROW Project with a Dear Reader Letter that was sent on January 15, 2013. The public scoping period ran from January 17 until February 19, 2013. The original end date of the scoping period was identified as February 16 in the Dear Reader letter, and was later extended by the BLM until February 19 to accommodate the President's Day holiday on February 18.

This report documents the issues raised during the public scoping period, as recommended for EAs by the BLM NEPA Handbook, H-1790-1.

### **1.1 PROPOSED ACTION**

Comstock Mining, LLC (Comstock) has submitted a right-of-way (ROW) application for the construction, maintenance and use of the "Lucerne haul road" across public land segments between their Lucerne pit mining operation and heap-leach processing facility. Comstock is currently mining in the Lucerne and Billy the Kid Pits, southwest of Gold Hill along State Highway 342, in Storey County, Nevada. The mining and heap-leach operations are located on privately-owned lands. The haul road would cross several public land segments. Comstock is also proposing to make the haul road an exclusive use road. Use of the haul road would reduce Comstock's use of State Highway 342.

### **1.2 PURPOSE AND NEED**

#### **1.2.1 Federal Purpose and Need**

The BLM's need is to respond to Comstock's application for an amended ROW that was submitted to the BLM's Sierra Front Field Office along with a draft Plan of Development in August 2012. The ROW authorization would allow the construction, maintenance, and use of the

“Lucerne haul road” across public land segments administered by the BLM between their Lucerne pit mining operation and processing facility.

The BLM must assure that authorization of the Proposed Action avoids undue or unnecessary degradation of public land and has prepared this EA as part of the decision-making process in consideration of the requested ROW grant. Based on this environmental documentation, the BLM will determine whether a Finding of No Significant Impact (FONSI) can be signed or whether an Environmental Impact Statement (EIS) must be prepared for the project. Through this decision process, BLM would meet obligations under the NEPA, the Federal Land Policy and Management Act (FLPMA) of 1976, and other Public Land Acts.

The purpose of the Proposed Action is to (1) provide a safe roadway that can accommodate oversized haul trucks and (2) deliver ore from their mine on private land to their ore processing facility.

### **1.3 NATIONAL ENVIRONMENTAL POLICY ACT AND PUBLIC INVOLVEMENT PROCESS**

The NEPA requires an environmental review of major federal actions that have the potential to significantly affect the quality of the human and natural environment. One of the primary purposes of the NEPA is to ensure that environmental considerations are incorporated into federal decision-making.

In accordance with the NEPA, public comments were solicited during a scoping period from January 17 until February 19, 2013. The goal of public involvement is to gain public understanding and participation in the analysis and decision-making.

### **1.4 SCOPING PROCESS**

#### **1.4.1 Project Website**

A website for the project was launched concurrently with the mailing of the Dear Reader Letter on January 15, 2013, and will remain active throughout the project. The site is available under NEPA Projects in the BLM Carson City District, Sierra Front Field Office, webpage ([http://www.blm.gov/nv/st/en/fo/carson\\_city\\_field/blm\\_information/nepa.html](http://www.blm.gov/nv/st/en/fo/carson_city_field/blm_information/nepa.html)).

Scoping information posted to the site includes the Commissioner’s Briefing PowerPoint, Dear Reader Letter, comment form, scoping packet, scoping meeting presentation, and nine project figures including the project area map and the project area detail map.

### 1.4.2 Press Releases

A BLM press release was sent to local news outlets on January 16, 2013. The story was picked up by the following outlets: the Reno Gazette-Journal; KTVN Channel 2 News; the Elko Daily Free Press; and the Virginia City News.

### 1.4.3 Scoping Mailing

A Dear Reader scoping letter with information regarding participating in the public involvement process and attending the public scoping meetings was sent out. The Dear Reader letters were mailed to approximately 112 people, agencies, and groups on January 15, 2013. The mailing list for the Dear Reader letter was compiled from those known or likely to be interested in the project and previous NEPA project mailing lists (Appendix A).

### 1.4.4 Public Scoping Workshops

The following two public scoping workshops were held from 6:30 p.m. to 8:30 p.m.:

- Tuesday, January 22, BLM Carson City District Office, 5665 Morgan Mill Road, Carson City, Nevada; and
- Tuesday, January 29, Piper's Opera House, 12 North B Street, Virginia City, Nevada.

The workshops were held in open house format. The attendees were provided with a scoping handout that included the project description, an explanation of how to comment, resources considered for analysis, and preliminary identification of resource issues. Attendees were also provided with the scoping comment form and a handout explaining the project's compliance with the National Historic Preservation Action (NHPA) Section 106. The scoping comment form included a place to indicate a desire to be on the mailing list. Respondents who requested to be placed on the list were added to the list.

Posters were used to depict the proposed project, explain the NEPA and NHPA processes, and provide direction on how to comment. All materials used in the scoping meetings are located on the project's website. Representatives from the BLM, Comstock, and JBR Environmental Consultants, Inc. were present at the workshops to answer questions and discuss the project.

To help document the attendance at the workshops, people were asked to sign in, although it was not required. Table 1 shows the number of sign-ins at each scoping workshop.

**Table 1 Scoping Workshop Sign-In**

Date	Location	Number Signed In
January 22, 2013	Carson City, Nevada	32
January 29, 2013	Virginia City, Nevada	43

#### **1.4.5 Briefings**

The BLM conducted three briefings for the project. These were held on Monday, January 7, 2013, at 9 a.m. at the Lyon County Commissioner's Meeting, Tuesday January 15, 2013, at 2 p.m. at the Storey County Commissioner's Meeting, and Thursday January 17, 2013, at 6 p.m. at the Storey County Planning Commission meeting. These presentations were informational in nature and no comments were solicited or received.

#### **1.4.6 Cooperating Agencies**

No cooperating agencies have been identified for this project.

#### **1.4.7 Native American Consultation**

The BLM initiated consultation with the Yerington Paiute Tribe and the Washoe Tribe of Nevada and California under the provisions of Section 106 of the National Historic Preservation Act on February 8, 2013. Consultation is ongoing.

#### **1.4.8 Consultation with Government Entities**

On February 8, 2013, under the provisions of Section 106 of the National Historic Preservation Act, the BLM initiated consultation with the Advisory Council on Historic Preservation, the National Park Service, the Comstock Historic District Commission, State Historic Preservation Officer, and the Storey County Certified Local Government. Consultation is ongoing. Figures showing the Area of Potential Effect (APE) were provided during the public scoping workshops. These figures have since been revised and are available on the project's website for public review.

#### **1.4.9 Internal Scoping**

An internal scoping/kick-off meeting was held on December 5, 2013, in Carson City, Nevada, to identify issues from the BLM ID team. The meeting was followed by a site visit with the ID team.

## **2.0 COMMENT ANALYSIS**

All public and various agency comments provided during the scoping process were compiled and categorized into a scoping comment log (Appendix B). Each submittal was assigned a comment identification number. This number allows analysts to link specific comments to original letters. The original comment submittals were scanned and placed in the project administrative record. All respondents' names and addresses (email address if the submission was an email) were recorded, and if requested, were added to the project mailing list. Analysts read and categorized comments using a comment code (Table 2) and a comment form. The comment log tracks all input and allows analysts to identify issues, to analyze the relationships among them, and create a summary of comments (Section 3.0).

It is important to recognize that the consideration of public comments is not a vote-counting process in which the outcome is determined by the majority opinion. Every comment and suggestion has value, whether expressed by one or a hundred respondents. All input is considered, and the BLM attempts to capture all substantive public concerns in the analysis process.

As explained at the public scoping workshops and on the BLM's project website, the BLM encouraged public scoping comments to be substantive, supported by relevant data, and relate to the proposed project. Comments should focus on the following: the proposed project; potential impacts that should be analyzed in detail; potential problems and possible solutions; suggestions for reasonable and feasible project alternatives; suggested mitigation measures; or elements of the human environment that should be preserved. Several comments received from the public did not meet these criteria and were considered non-substantive or out-of-scope.

### **2.1 METHOD OF COMMENT COLLECTION**

Commenters could submit comments in writing by leaving comments at public workshops or mailing comments in, or they could submit them electronically by e-mail.

By the close of the 30-day scoping period (February 19, 2013), 41 responses had been received. A list of respondents is included in the scoping comment log, and copies of all letters and e-mails received are included in Appendix B.

### **2.2 COMMENT CATEGORIZATION**

Each comment letter was read and comments, concerns, and issues captured. Comments were given a code, which assigned them to an issue or resource (Table 2). In reference to the issue/resource categories, Section 3.0 presents an issues summary by environmental resource.

**Table 2 Comment Categories**

<b>Code</b>	<b>General Issue Category</b>
ALT	Alternatives to Proposed Action (development or additional)
AQ	Air Quality
CR	Cultural Resources
CM	Cumulative Effects
HAZ	Hazardous and Solid Waste Materials
LUA	Land Use and Access
NAC	Native American Concerns
OOS	Out of scope
PA	Proposed Action
POS	General comment, positive, non-substantive
PRO	Process (comments referring to scoping or NEPA process)
REC	Recreation
SAF	Public Health and Safety
SOIL	Soil Resources
SOC	Socioeconomics
SSS	Special Status Species (plants and animals)
TRAN	Transportation
VEG	Vegetation (not including listed or sensitive species)
VR	Visual Resources
WLF	Wildlife (not including listed or sensitive species) and Wildlife Habitat
WTR	Water Resources

### **3.0 SCOPING RESULTS**

This section provides summaries of the substantive comments that were identified by internal and public scoping.

Issue statements were identified by reviewing the comments, paraphrased from the original content, and organized by resource category. Many of the comments identified similar issues. Similar comments were grouped together and then summarized. Each issue statement was then followed by the unique source citation(s). The public scoping comments can be found in Appendix B. Generally, local residents and businesses appeared to support the project, while those further removed from the project area opposed it.

The majority of comments received concerned the impacts the project would have on the economy various communities and Lyon County, transportation, safety, and cultural resources.

The greatest number of public comments was from individuals.

#### **3.1 ALTERNATIVES**

An important component of scoping is to identify alternatives that must be analyzed in the EA. Potential alternatives are either suggested in comments, or are developed to produce different effects than the Proposed Action.

At the public scoping workshops, maps depicted three action alternatives (Proposed Action, Upper American Flat Road Alternative, Non-Federal Alternative) as well as the No Action Alternative. The Proposed Action showed how Comstock would access their processing facility from their current mining activities along the American Flat Road/Lucerne Access ROW. The Upper American Flat Road alternative showed how Comstock would access the processing facility by traveling north along State Route 342 from the mine, and then southwest along the Upper American Flat Road. The Non-Federal Alternative showed how Comstock would develop a new processing facility on private land in Lyon County and access that facility by traveling south from the existing mine along State Route 342.

Although the BLM does not have jurisdiction to issue a decision on the Non-Federal Alternative since the processing facility would be located on private land and accessed on a state highway, the BLM has included this alternative in order to compare and analyze impacts from the Proposed Action.

Based on internal discussion since the scoping period, the Upper American Flat Road Alternative has been dismissed and will not be analyzed in detail in the EA since it has been determined to

be technically infeasible (i.e., haul trucks cannot travel along the sharp curve in the road) and because a number easements along the road are located on private land not controlled by Comstock.

One letter received from an individual during scoping suggested an alternative road for public access and separation from haul trucks. The BLM is reviewing sensitive resources to determine whether there are any resource conflicts with this possible alternative.

A few questions were raised during scoping about the details of the Proposed Action as contained in the draft Plan of Development (January 2013) that was available online. These questions will be addressed through the project description in the EA. These questions included:

- Amount of ore that would be hauled on the ROW (1 million tons of ore per year versus 2 to 3.5 million tons of ore per year);
- Source and quantity of water required during construction and maintenance; and
- Lifespan of the project (5 years versus 10 years).

### **3.2 ANALYSIS ISSUES**

Per the Council of Environmental Quality NEPA regulations (1501.7), it is through the scoping process that the BLM will (a) determine the scope and significant issues to be analyzed in depth in the EA and (b) identify and eliminate from detailed study the issues that are not significant. Section 3 summarizes issues raised during the scoping process. The EA will narrow the discussion of these issues to a brief presentation in the EA. In brief, the scoping comments must be reviewed to determine which issues are or are not significant in the context of NEPA and preparing an EA. The list below summarizes the issues related to each resource and indicates whether it was an issue raised through internal scoping at the December 5, 2012, Interdisciplinary Team (IDT) meeting, public comment (letter number), or both.

#### **3.2.1 Air Quality**

- Are there impacts to air quality from emissions and dust less under the Proposed Action compared to the No Action Alternative (12 and 33)?
- What are the environmental protection measures that will be included as part of the Proposed Action to reduce impacts to air quality (12/05/12 IDT)?
- How will gaseous, dust, or particulate emissions from haul trucks affect the environment (29)?

#### **3.2.2 Cultural Resources**

- What are the impacts on known historic and prehistoric sites and the Virginia City National Landmark Historic District (3, 4, 29, and 12/05/12 IDT)?

- What are the impacts on cultural resources that may be found in the future (4 and 29)?
- Does the cultural Area of Potential Impact consider impacts to the historic district (29)?
- What mitigation is being considered to minimize or eliminate effects to historic cultural resources (29)?

### **3.2.3 Cumulative Effects**

- What are the cumulative effects of the project to air quality, biological resources, cultural resources, and Native American concerns (29 and 12/05/12 IDT)?
- What are the cumulative effects of the project with mining (29)?

### **3.2.4 Hazardous and Solid Waste Materials**

- What are the effects on Carson River Mercury Superfund Site risk zones (29)?

### **3.2.5 Lands Use and Access**

- Will the EA include figures and discussion of land status (2, 9, and 29)?
- What are impacts to public access points (2, 7, and 12/05/12 IDT)?
- Will access for the operations of the reconstructed V&T Railway be impacted (27)?
- How will residential access be impacted (29 and 12/05/12 IDT)?
- How will access to American Flat be impacted for horseriders (32)?

### **3.2.6 Native American Concerns**

- What are impacts to Native Americans (4)?
- What are impacts to known sacred and spiritual sites and traditional food and medicine gathering (6)?

### **3.2.7 Process**

- Will the NEPA document consider mining as a connected action (29)?
- Has the BLM contacted any cooperating agencies such as The Udall Foundation: U.S. Institute for Environmental Conflict Resolution (29)?

### **3.2.8 Recreation**

- What will the impacts on recreation, particularly access to the American Flat mill site and the general area of American Flat (29, 32, and 12/05/12 IDT)?

### **3.2.9 Safety**

- How will the Proposed Action result in less impact to public safety on State Route 342 (12, 13, 21, and 37)?

### **3.2.10 Soils**

- What are the effects on Carson River Mercury Superfund Site contaminants of concern (29)?

### **3.2.11 Socioeconomic**

- What will the project do for tourism, local employment, and taxes (16, 20, 23, and 29)?

### **3.2.12 Special Status Species (including Threatened, Endangered, and Sensitive)**

- What are the impacts on special status species (29 and 12/05/12 IDT)?

### **3.2.13 Transportation**

- What are the impacts to existing roads and traffic (8, 16, 17, 20, 22, 23, 29, 33, 37, and 12/05/12 IDT)?

### **3.2.14 Vegetation**

- How will vegetation be impacted (29 and 12/05/12 IDT)?
- Will riparian vegetation be affected (29 and 12/05/12 IDT)?

### **3.2.15 Visual Resources**

- What will be the impacts on scenic quality (2 and 29)?

### **3.2.16 Water**

- Will there be impacts to water quality (29)?

### **3.2.17 Wildlife**

- How will noise and human activities affect wildlife (29 and 12/05/12 IDT)?
- What environmental protection measures will be implemented to reduce wildlife vehicle conflicts (35)?

## **APPENDIX A**

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### **Scoping Mailing List**



**Table A-1** shows the agencies, organizations, and individuals who were sent the scoping announcement and project map.

<b>Table A-1 Scoping Mailing List</b>		
<b>No.</b>	<b>Agency/Organization</b>	<b>Addressee</b>
1		Judie Fisher-Crowley
2		Henry L. (T.A.) Taro
3		Larry Prater
4		Alan Preissler
5		Mathew Stearns
6		Dale Verner
7	Storey County Emergency Management	Joseph L. Curtis
8	State Historic Preservation Office, State of Nevada	Rebecca Palmer
9	Comstock Historic District Commission	Michael A. Bedeau
10	State of Nevada, Division of Minerals	Alan Coyner
11	Storey County	Pat Whitten
12	Bureau of Corrective Actions, Nevada Division of Environmental Protection	Greg Lovato
13	Nevada Commission for the Reconstruction of the V&T Railway	Dwight Millard
14		Norman P. Dumont
15		Leon Henifin
16		Douglas Elmer
17		Robert Frenchu
18		Keith Work
19	Comstock Mining, LLC	
20	National Park Service, Pacific West Regional Office	Elaine-Jackson-Retondo
21	Office of Federal Agency Programs	Reid J. Nelson
22	Silver Springs Area Chamber of Commerce	Ron Bell
23	Dayton Chamber of Commerce	Ron Bliss
24	Matrix Leadership	Jojo L. Myers
25		Ruessell and Camille Harig
26	Storey County Board of Commissioners	Marshall McBride
27	Storey County Board of Commissioners	Lance Gilman
28	Storey County Board of Commissioners	Bill Sjovangen
29	Carson City Board of Supervisors	Robert Crowell
30	Carson City Board of Supervisors	Karen Abowd
31	Carson City Board of Supervisors	Shelly Aldean
32	Carson City Board of Supervisors	John McKenna
33	Carson City Board of Supervisors	Molly Walt
34	D W C RESOURCES	
35	Storey County Treasurer	
36	Sutro Tunnel Co.	
37	Gold Hill Hotel Inc.	
38		Russell and Lloyd Mitchell
39		Russell D. and Pamela Brandon
40	United Mining Corp.	
41	Donovan Silver Hill LLC	
42	Comstock Enterprises Inc.	

**Table A-1 Scoping Mailing List**

<b>No.</b>	<b>Agency/Organization</b>	<b>Addressee</b>
43		A. Johnson
44		Harry and Margaret Bennetts
45	Wilson Art Co.	
46		Anthony and Judith M. Allen
47		Catherine G. Patrick
48		Allen R. Lorenz
49		Stephen and Alexandra M. Musser
50		Dan and Caroline Salzwimmer
51		Virginia and Truckee RR Inc.
52		Double King Mines Inc.
53		Chandler Atchison Laughlin
54		Richard P. and Susan E. Wagner
55		Edie M. Gingerich
56		Carmen Kuffner
57		W. Thomas and Nancy S. Cleaves
58		Raymond L. and Stephanie R. Borgman
59		Edward Gant
60		Gold Hill Properties LLC
61		Dan Eggenberger
62		Paul and Cynthia Christensen
63	Nevada Commission for Reconstruction of V&T Railway	
64		Sean and Lorraine McDaniels
65	I O O F Grand Lodge	
66		Norma Clowers/Norma Gardella
67	The Cobbeys-Tolls, LTD Partner	
68		Gregory F. and Joyce Hess
69	39 South D Street LLC	
70		Frank R. Garcia
71		Ulan and Lavona Pinkston
72	United Holdings Corp.	
73		Daniel A. Long
74		Donna E. Holland
75		William Cunningham
76		Scott and Jillian Snelling
77		Merlin L. and Juanita Lenox
78	Sunrise Rental Properties LLC	
79	Marie E. H. Widdifield Living Trust	
80		Martin R. and Alexandra M. Lane
81		James Allander
82		Robert E. and Marie J. Dufresne
83	Goldspring, Inc.	
84		Robert L. Dufresne
85		Dorothy Tate
86		Judith Ann Cohen
87		Daniel L. and Darlene D. Bowers
88		Ronald J. and Geraldine G. Cox
89	Plum Mine Special Purpose LLC	
90		Robert Wood

<b>Table A-1 Scoping Mailing List</b>		
<b>No.</b>	<b>Agency/Organization</b>	<b>Addressee</b>
91	Tricounty Railway Commission	
92		Michael and Sharon Sturtevant
93		Czech and Thompson Randall
94		Vickie L. Taylor
95		Dail Edward Turney
96	Linda S. Piper Trustee	
97		Mark A. Hoffman
98		Claire Obester
99		Vida Keller
100	Lyon County Board of Commissioners	Bob Hastings
101	Lyon County Board of Commissioners	Ray Fierro
102	Lyon County Board of Commissioners	Joe Mortensen
103	Lyon County Board of Commissioners	Virgil Arellano
104	Storey County Planning Commission	Doug Walling
105		Connie Creech
106	NV Energy	
107	Lyon County Planning Commission	Larry Wahrenbrock
108		Bob Kershaw
109		Greg Hess
110		Ron James
111		Elaine Barkdull-Spencer
112		Kim Shipley



# **APPENDIX B**

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## **Public Comments**



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Table B-2	Categorized Scoping Comments.....	B-43

**Public Comments Received During the Scoping Period**

Below is a list of those that submitted scoping comments and the number of their corresponding letter.

Letter Number	Author (Organization/Agency - Name)	Page
1	Silver Springs Chamber of Commerce – Flynn, Sherry and Sammy .....	B-1
2	Brady, Jim .....	B-2
3	Comstock Historic District Commission – Bedeau, Michael A. “Bert” .....	B-3
4	Abercrombi, Pam .....	B-4
5	Silver Springs Chamber of Commerce – Flynn, Sherry and Sammy .....	B-5
6	Dunlap, Jim .....	B-6
7	Pro-Tech RV – McTimmonds, Terry.....	B-7
8	Gold Hill Historical Society – Fegert, Kim .....	B-8
9	Great Basin Resource Watch – Hadder, John.....	B-9
10	Comstock Gold Mine – Jolcover, Scott .....	B-10
11	Director of Storey County Tourism – Dotson, Denny .....	B-11
12	Robison, Nathan Earl .....	B-12
13	Silver Springs Chamber of Commerce – Bell, Susan .....	B-13
14	Silver Springs Chamber of Commerce – Bell, Ron .....	B-14
15	Hastings, Nadine .....	B-15
16	Nicosia, Nick.....	B-16
17	Anonymous .....	B-17
18	Workman, Julie J. ....	B-18
19	Randsel, Dixie.....	B-19
20	McMillin, Rob & Darcy.....	B-20
21	Gold Hill Corridor Residents .....	B-21
22	Silver Oak Development, Inc. – Turner, Mark .....	B-22
23	Silver Springs Airport, LLC – Bennett, Kay .....	B-23
24	Anonymous 2 .....	B-24
25	Bowers, Daniel L. ....	B-25
26	Turney, Dail E.....	B-26
27	NV Commission for Reconstruction of the V&T Railway – Dorr, Kenneth L. ....	B-27
28	Comstock Visions – Clark, James .....	B-28
29	Great Basin Resource Watch – Hadder, John./Comstock Residents Association – Cobbey, Robin .....	B-29
30	Dayton Chamber of Commerce – Bliss, Ron.....	B-30
31	Harrall, Charles E.....	B-31
32	Nevada All-State Trail Riders – Dutcher, Karon and Bjorum-Nelson, Ericka.....	B-32
33	Brandon, Russell and Pamela .....	B-33
34	Obermayr, Erich.....	B-34
35	Nevada Department of Wildlife – Pirkle, Kenny.....	B-35
36	Kiechler, Penelope .....	B-36
37	Harig, Russell and Camille .....	B-37
38	Kiechler, Penny.....	B-38

39 Nevada State Historic Preservation Office – Palmer, Rebecca Lynn .....B-39  
40 Nevada Department of Transportation – Dyson, Thor A. ....B-40  
41 Lanza, Alexi .....B-41





# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



## BLM NEPA/NHPA SCOPING COMMENT SHEET

**Informed decisions are better decisions:** The Bureau of Land Management (BLM) believes that public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

**Where to provide comments:** You can hand this form in at a public scoping meeting or mail it in using the address on the reverse. **Comments can also be submitted via email to the following email address: [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov).**

Name Sherry Flynn and Sammy Flynn County Lyon

Title [Redacted] Organization [Redacted]

Mailing Address [Redacted]

City [Redacted] State [Redacted] Zip [Redacted]

Email [Redacted]

Date 1-22-13 Meeting Location (if applicable) BLM Bld. Carson City, NV

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

I feel this process is taking way to long - I am willing to help learn on any one that could use my help, to speed this process up. Time is money for all the surrounding communities. Sherry Flynn - [Redacted] Vice president of Silver Springs Chamber of Commerce Vice chairman of Silver Springs-Stage Coach Hospital District local volunteer for the good will of all man kind  
Thanks for this meeting - Very informative

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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Buttazoni, Brian &lt;bbuttazoni@blm.gov&gt;

---

## Presentation Materials for the Comstock Open House 01/29/2013

1 message

**Jim Brady** <[REDACTED]>  
To: bbuttazoni@blm.gov

Mon, Jan 28, 2013 at 8:52 AM

Mr. Buttazoni:

In reviewing the materials provided for public information on the Comstock ROW application, I find them to be lacking one critical element. That is a detailed map showing the extent and boundaries of actual Public Land that would be affected or impacted by the Luceme Haul Road. I am quite familiar with the Silver City - Gold Hill area having done some contract work in the area, and I am not aware of any significant parcels of undisputed Public Land which may be impacted. I believe a proper presentation of the Federal land position is essential to the process, so the public can make informed and relative comments including all of the available information.

One of the critical factors in the determination process according to the materials presented is Viewshed Degradation. In my opinion, presentation of affected public access points in the area would be a requirement to any valid review and assessment.

I am planning to be present for the Open House in Virginia City on 01/29/2013 and am looking forward to seeing a map delineating the Federal land position relative to any real or perceived impact by Comstock Mining activity.

Thank you for your consideration in this matter.

Respectfully,

Jim Brady, [REDACTED]  
[REDACTED]



STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
COMSTOCK HISTORIC DISTRICT COMMISSION

P.O. Box 128, 20 North "E" Street  
Virginia City, Nevada 89440  
PH (775) 847-0281, FAX (775) 847-0653

2013 JAN 25 PM 12:11

RECEIVED  
BUREAU OF LAND MGMT  
CARSON CITY  
DISTRICT OFFICE

Brian Sandoval  
Governor

Leo M. Drozdoff, P.E.  
Director

Mr. Brian L. Buttazoni  
Sierra Front Field Office  
U.S. Bureau of Land Management  
5665 Morgan Mill Road  
Carson City, NV 89701

January 24, 2013

Re: ROW application, Lucerne haul road, Gold Hill, Storey County, NV.

Dear Mr. Buttazoni:

On behalf of the Comstock Historic District Commission (CHDC), I am responding to your letter of January 15, 2013 concerning the above noted project. The CHDC has no information regarding sensitive or unique resources within the project area. Nor do we know of any conflicts for the use of the American Flat Road/Lucerne Access as an exclusive use road. As the proposed road already exists and alteration to it, or its surroundings, other than resumed use for mine related transportation is not contemplated, the CHDC does not believe that it has any information about the proposed area that might assist you with your evaluation. This project does not appear to impact any structures as defined by NRS 384. As such it is entirely outside the purview and authority of the CHDC.

Thank you for the opportunity to comment on this project. Should you have any questions or additional needs, please do not hesitate to contact us.

Very truly yours,

[Redacted Signature]

Michael A. "Bert" Bedeau

[Redacted Title]

cc. SHPO  
File



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



## BLM NEPA/NHPA SCOPING COMMENT SHEET

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Name Pam Abercrombi County Hyson County  
 Title [REDACTED] Organization [REDACTED]  
 Mailing Address [REDACTED]  
 City [REDACTED] State [REDACTED] Zip [REDACTED]  
 Email [REDACTED]

Date 1/24/13 Meeting Location (if applicable) BLM CC office 1/22/13

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

*My hopes with this project initially focus on the respect due for the indigenous people of the pine nut range or the Paiute people and their neighbors the Washos. CML should be knowledgeable + proactive with the protocols related to finding Paiute + Washo artifacts, especially graves.*

*I also hope the those living near the site + road are protected + treated with respect + concern by CML.*  
 Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

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Name Sherry Flynn - Sammy Flynn (Self) County  Lyon   
Organization  [Redacted]

Mailing Address  [Redacted]

City  [Redacted]  State  [Redacted]  Zip  [Redacted]

Email  [Redacted]

Date \_\_\_\_\_ Meeting Location (if applicable)  Carson City BLM Office 5665 Moeggen Mill Road

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**COMMENT** (use back side if you need additional space or attach additional sheets)

*This was a very well organized meeting and most of the field workers were very informative. Leon Thomas was excellent explaining my concerns. I had been very misinformed about some of this whole project. To put it in a nut shell - This is a process - steps need to be taken - needs must be followed - plain and simple. My husband and I was impressed with your meeting set up with the maps. Visuals are so helpful to simplify a multitude of questions and answers. We thank you and do agree with your process. We will be attending future meetings.*

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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**Michele Lefebvre**

---

**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Tuesday, January 29, 2013 10:29 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: Comstock Mining haul road

----- Forwarded message -----

**From:** **Buttazoni, Brian** <[bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)>  
**Date:** Tue, Jan 29, 2013 at 10:25 AM  
**Subject:** Fwd: Comstock Mining haul road  
**To:** Lucerne ROW <[lucerneROW2012@blm.gov](mailto:lucerneROW2012@blm.gov)>

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Tue, Jan 29, 2013 at 10:16 AM  
**Subject:** Comstock Mining haul road  
**To:** [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)

Brian,

At the Lyon County Commissioners meeting in Yerington you stated that the BLM was interested in the culture of the area in which a haul road for the mining operation of Comstock Mining would impact.

The culture for that area is to remove metal bearing rock (ore) from the ground. Another important tradition is to transport that ore to a processing facility to separate the metal from the rock. Any aid your office could be would help Comstock Mining to restore the culture of this area to its roots founded 150 years ago.

The mining process and recovery process will also help bring jobs to the area so that taxpayers can provide you with a living so that you may protect the rights of the citizens.

By the way, you mentioned that "public safety" was a main concern of yours. "Public safety" is found under the police powers retained by the State of Nevada under the Tnth Article of the Bill of Rights and should not be a factor in your decision. You have not the jurisdiction, being a Federal Agency.

Jim Dunlap  
[REDACTED]

comment received

--  
Brian L. Buttazoni

*Planning and Environmental Coordinator*  
Sierra Front Field Office  
(775) 885-6004  
(775) 885-6174 (fax)



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



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Name Terry McTimmons County Lyon

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 1-29-13 Meeting Location (if applicable) V.C.

Please check box if you want to be on the mailing list for future updates and notifications for this project.

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**COMMENT** (use back side if you need additional space or attach additional sheets)

As an off-road enthusiast, I am concerned about having crossing points available from the South End of American Flats to the Gold Hill area

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Name Kim Feagert County Storey

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email \_\_\_\_\_

Date 1-29-13 Meeting Location (if applicable) Piper's Opera House

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**COMMENT** (use back side if you need additional space or attach additional sheets)

Anything that will allow the  
Comstock Mining Co. to seperate  
mine traffic from residential  
traffic should be vigorously supported  
and persued.

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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Name John Hodder County Washoe

Title [REDACTED] Organization [REDACTED]

Mailing Address \_\_\_\_\_

City \_\_\_\_\_ State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date \_\_\_\_\_ Meeting Location (if applicable) \_\_\_\_\_

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**COMMENT** (use back side if you need additional space or attach additional sheets)

Please Post a map illustrating  
ownership of the region around the  
ROW for and mine operations.

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



#1

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Name SCOTT JOLCOVER County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 1-29-13 Meeting Location (if applicable) PIPER'S OPERA HOUSE

Please check box if you want to be on the mailing list for future updates and notifications for this project.

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**COMMENT** (use back side if you need additional space or attach additional sheets)

SEE MAP COMMENT ON ALTERNATIVE ROAD  
FOR PUBLIC ACCESS AND SEPARATION FROM HAUL TRUCKS

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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## American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



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Name DENY DOTSON County [REDACTED]  
 Title [REDACTED] Organization [REDACTED]  
 Mailing Address [REDACTED]  
 City [REDACTED] State [REDACTED] Zip [REDACTED]  
 Email [REDACTED]  
 Date 1-29-13 Meeting Location (if applicable) PIPERS, VC

Please check box if you want to be on the mailing list for future updates and notifications for this project.

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**COMMENT** (use back side if you need additional space or attach additional sheets)

VIRGINIA CITY'S ECONOMY IS LARGELY BASED ON TOURISM. ONE OF OUR MOST POPULAR "COMSTOCK ADVENTURE" PACKAGES ~~IS INCLUDED~~ WE SELL AT OUR VISITOR CENTER, IS THE GOLD & SILVER ADVENTURE. THIS ADVENTURE FOCUSES ON MINING --- BOTH <sup>PAST</sup> ~~AND~~ AND PRESENT. SEVERAL HUNDRED THOUSAND VISITORS TRAVEL TO VC EVERY YEAR. ONE OF THE ROUTES TO VC IS SR342. IN MY OPINION, BLM SHOULD GRANT CMI APPROVAL TO OPERATE

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

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American Flat Road/Luceme Access ROW EA  
c/o Brian Buttazoni  
Bureau of Land Management  
Carson City District Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701

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From:

Place  
Stamp  
Here

## Thank you for your comment!

### To return via mail:

Fold in thirds so address (above) is showing,  
add postage, tape bottom of fold, and mail.

Please postmark by: **February 16, 2013**

Comment continued:

ON Public LAND, ~~THE~~

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2013 JAN 30 PM 12:41

Mr. Brian Buttazoni  
Planning and Environmental Coordinator  
5665 Morgan Mill Rd  
Carson City, NV 89701

RECEIVED  
BUREAU OF LAND MGMT  
CARSON CITY  
DISTRICT OFFICE

Date: January 28, 2013

**SUBJECT: 2800 (LLNVC02000) – NVN 091237  
Comstock Mining  
Proposed American Flat Road / Lucerne Access Right-of-Way**

Dear Mr. Buttazoni,

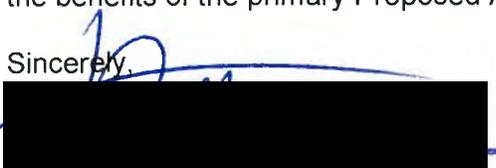
I have reviewed the publicly available maps and description of the subject proposal for haul truck traffic and exclusive use of public lands.

I am a Civil engineer who works for a number of mining companies in Nevada, but I have no professional relationship with the applicant. Based on map review, I concur with the applicant's Proposed Action route as the shortest haul distance route available. A short, gently graded route will reduce emissions, fuel consumption, and will avoid a number of permanent structures along the current on-highway haul route.

I am also an avid bicyclist and runner who enjoys the roads around Virginia City. I can certainly tell you that anything which reduces traffic, particularly large-truck traffic on these roads will make them safer and more friendly to all uses, including the trucks themselves which barely have room within the current road width.

For these reasons I personally recommend approval of the primary Proposed Action, and that BLM reject the Upper American Flat and Non-Federal options which would eliminate many of the benefits of the primary Proposed Action.

Sincerely,

  
  
Nathan Earl Robison,



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



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Name Gusan Bell County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 1-22-13 Meeting Location (if applicable) BLM Carson City

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**COMMENT** (use back side if you need additional space or attach additional sheets)

*I think it is very important to keep the haul trucks off the highway as much as possible for safety reasons.*

*Mining is very important to Lyon City's economic recovery. We need BLM to cooperate.*

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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Name Ron Bell County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 1-22-13 Meeting Location (if applicable) BLM Carson City

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### COMMENT (use back side if you need additional space or attach additional sheets)

1. Moving Trucks onto a state or any other road is a bad thing,
2. Mining is just one area that Lyon County use to get back on its feet. Jobs bring home sales and other retail businesses to our area.
3. mining will help add students to our Class rooms in silver springs and other areas also.
4. BLM and mining works as a team in other parts of the state why did you chose to cause this problem

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the BLM Sierra Front Field Office during regular business hours (7:30 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, and may be made publicly available at any time. While individuals may request that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee it will be able to do so. If you wish to withhold your personal information you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses available for public disclosure in their entirety.



## American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



### BLM NEPA/NHPA SCOPING COMMENT SHEET

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Name Nadine Hastings County [REDACTED]

Title [REDACTED] Organization -

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 1-28-13 Meeting Location (if applicable) Virginia City

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

*This - allowing Comstock to use the haul road - is a productive use of federal lands. Public lands should also be used for the economic well-being of neighboring communities. The taxes and royalties paid by this mining company will benefit the entire region. It is a win-win. The haul road is already in existence & the mine will protect the land & preserve the historic areas around it. Comstock mining understands what is expected of them. Mining is still a major part of Nevada's economy. We need to co-exist with the industry - not demonize it.*

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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**Michele Lefebvre**

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**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV [blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Tuesday, February 05, 2013 9:18 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: Comstock Mining ROW

Comment

----- Forwarded message -----

**From:** Nick Nicosia [REDACTED] >  
**Date:** Mon, Feb 4, 2013 at 6:23 PM  
**Subject:** Comstock Mining ROW  
**To:** [lucernerow2012@blm.gov](mailto:lucernerow2012@blm.gov)

Salutations, Mr. Buttazoni,

I was exceedingly impressed by the degree of professionalism that was evident at the recent scoping workshop in Virginia City.

The State of Nevada is among the lowest in recovery from cultural, social and economic problems that our nation has been suffering for about a decade.

Whatever solutions can be implement 'at this time', should be considered with a minimum of haste.

The State of Nevada is the people of Nevada. When one achieves, that success must and will necessarily have a positive impact on the rest of the community.

The Comstock wasn't just a setting for a popular TV series. Between 1859 and 1875, tens of thousands of people succeeded in extracting three hundred million dollars worth of gold and four hundred million dollars worth of silver from two hundred and sixty miles of mine shafts that penetrated down beneath four thousand feet into the soul of our earth.

In today's economy, that seven hundred million dollars worth of gold and silver would be worth approximately ten point seven billion dollars. And,

yes, in the early 1880s, the mining companies, miners, factories and retail stores finally moved on, to the rest of the world, when it became less than cost-effective to keep digging under Virginia City.

So, what happened to all that wealth? It moved on to corporate headquarters in various industries in San Francisco, Seattle, New York, London, Hong Kong, Germany, Caracas, Buenos Aires and ad infinitum. Yes, it established economies and a better quality of life worldwide.

Cost effectiveness has returned to the Comstock.

To "amend an existing ROW to allow for the use of an alternative haul road across public land segments" would not only reduce any ancillary reduction in the quality of life among the local residents's community and for the transient visitors who have conveniently utilized Highway 342 for over a hundred years but would enable an economical ability to invest in jobs, equipment and the ability to create cultural, social and economic solutions that might not be possible without that access. The alternative haul road access across public land segments would enable a significant benefit not just to the mining companies and the local community and the state and has the potential to have a national and worldwide significance.

Also significantly, the time for action is now. Every mile that was not utilized yesterday and is not utilized today to its full potential cannot be reused tomorrow.

Respectfully,

Nick Nicosia





# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



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Name [REDACTED] County [REDACTED]

Title \_\_\_\_\_ Organization \_\_\_\_\_

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date 2 Feb 2013 Meeting Location (if applicable) \_\_\_\_\_

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

Get the haul trucks off the highway

Let the mining co use the haul road.

[REDACTED]

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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**Michele Lefebvre**

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**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Wednesday, February 06, 2013 10:13 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: approve ROW - Lucerne Haul Rd

----- Forwarded message -----

**From:** **Buttazoni, Brian** <[bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)>  
**Date:** Wed, Feb 6, 2013 at 10:09 AM  
**Subject:** Fwd: approve ROW - Lucerne Haul Rd  
**To:** Lucerne ROW <[lucerneROW2012@blm.gov](mailto:lucerneROW2012@blm.gov)>

----- Forwarded message -----

**From:** **JULIE SUTICH** [REDACTED]  
**Date:** Wed, Feb 6, 2013 at 9:00 AM  
**Subject:** approve ROW - Lucerne Haul Rd  
**To:** [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)  
**Cc:** [REDACTED]

JulieWorkman [REDACTED]

Brian Buttazoni Planning and Environmental Coordinator, 5565 Morgan Mill Rd., Carson City, NV 89701

Dear Sir:

Regarding the ROW application for the "Lucerne Haul Road", I strongly urge you to approve this application so that mining can continue. It is important to reinstate the use of that haul road so that the haul trucks will not be forced to use Hwy 342 through Silver City, Nevada.

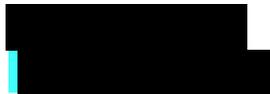
My grandmother's grandfather and grandmother came to Virginia City during Silver and Gold mining days of early Nevada. They were not miners, but designed and built buildings – including the Brass Rail with his name F. Ritter on the front! But mining was the provider for all the livelihood in the area. I propose that in 2013 we continue a common sense support to provide for Nevada economics. What better way to use public land!

My grandmother's mother and brothers along with my grandmother and her sisters were raised in Virginia City. My father and mother were raised in Reno. My sisters, brothers and I were raised in Dayton. My sons and daughter live in Reno/Carson City area. On behalf of 6 generations of Nevadans, I encourage you to support the use of this public land for the good of the people of Nevada by approving this "Lucerne Haul Road."

Sadly when graduating from the University of Nevada Reno in 1979, there was absolutely no mining in Nevada. We had to move to Arizona to find work. Happily mining is back in Nevada. I propose that the BLM gladly support the use of our land for the economic welfare of Nevadans, no matter how recently they have arrived in our great state!

Sincerely,

Julie J. Workman



--

Brian L. Buttazoni  
*Planning and Environmental Coordinator*  
Sierra Front Field Office  
(775) 885-6004  
(775) 885-6174 (fax)



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment

## BLM NEPA/NHPA SCOPING COMMENT SHEET

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Name       Doris Rauder       County       [REDACTED]      

Title \_\_\_\_\_ Organization \_\_\_\_\_

Mailing Address       [REDACTED]      

City       [REDACTED]       State       [REDACTED]       Zip       [REDACTED]      

Email \_\_\_\_\_

Date \_\_\_\_\_ Meeting Location (if applicable) \_\_\_\_\_

Please check box if you want to be on the mailing list for future updates and notifications for this project.

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**COMMENT** (use back side if you need additional space or attach additional sheets)

way past time for the mining trucks to  
be allowed to use the land supposing to belong  
to BLM to haul their ore.

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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**Michele Lefebvre**

---

**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Sunday, February 10, 2013 7:18 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: Public comment on American Flats ROW Amendment

----- Forwarded message -----

**From:** Darcy & Rob [REDACTED]  
**Date:** Fri, Feb 8, 2013 at 8:28 PM  
**Subject:** Re: Public comment on American Flats ROW Amendment  
**To:** "[LucerneROW2012@blm.gov](mailto:LucerneROW2012@blm.gov)" <[LucerneROW2012@blm.gov](mailto:LucerneROW2012@blm.gov)>

Brian Buttazoni, Project Manager  
BLM Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701

Mr. Buttazoni,

The existing haul road, originally created for mining, is a much better option for Comstock Mining to utilize in order to move ore than State Route 342. There appears to be very little needed in order to bring this road and its connections up to a safe standard, and upgrades shouldn't make much impact on surrounding land or people. As smaller trucks and private contracts are needed to move ore on 342, financial losses are then transferred to the county and the community in lost revenue from taxes and percentages of profit promised for environmental and historical improvements. If a quick solution can be made, Comstock Mines and BLM need to work together and make it happen sooner rather than later. In addition, current tourism and commuter traffic, though being well managed, is being affected by the current haul trucks on 342. The haul road is a much better option to help CMI as well as the surrounding community toward a successful partnership. CMI has proven high ethical standards and stewardship. BLM works with many other mining companies throughout the state, and this is not an unusual request. What is unusual, is CMI's interest in historical preservation and revitalization in the area. Moving their operation to the Lucerne Haul Road will give even the road itself a responsible caretaker, and put it back to the use for which it was originally created.

Rob & Darcy McMillin  
[REDACTED]

RECEIVED

21

FEB 07 2013

BUREAU OF LAND MANAGEMENT

To Whom It May Concern,

We, the undersigned, are residents of the Gold Hill Corridor living along State Route 342 between the Mine and American Flat Road. We would like to be recognized as the individuals most impacted by Comstock Mining's use of SR 342 for hauling of material from the Lucerne/Billy the Kid Mine to the processing area in American Flat.

We want to strongly express our frustration with the current use of the road. Although Comstock Mining has done a good a job mitigating the disturbance and looking out for public safety, the trucks are a significant imposition to our everyday lives. The sooner Comstock Mining is allowed to use the Lucerne Haul Road, the better.

We understand from the comments of a BLM official to the Storey County Commissioners that a temporary solution has been in the works for some time. Please do everything in your power to implement the solution immediately so that we may regain some peace-of-mind and enjoy our neighborhood without the noise, dust, and mud associated with the use of the road.

Name	Physical Address	Phone Number	Date
<i>Sara Baiza</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Merlin &amp; Juanita Snow</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Ken Deibel</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Lillian Henry</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Helen Duester</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Dee Dier</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Patricia Pace</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Subbi Searles</i>	[REDACTED]	[REDACTED]	<i>2/1/13</i>
<i>Chels Thompson-Czech</i>	[REDACTED]	[REDACTED]	[REDACTED]
<i>[Signature]</i>	[REDACTED]	[REDACTED]	<i>2/2/13</i>
<i>Shawn Fontaine</i>	[REDACTED]	[REDACTED]	<i>2/2/13</i>
<i>Larissa Wood</i>	[REDACTED]	[REDACTED]	<i>2/2/13</i>
<i>[Signature]</i>	[REDACTED]	[REDACTED]	<i>2/2/13</i>





# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



## BLM NEPA/NHPA SCOPING COMMENT SHEET

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Name Mark Turner County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date \_\_\_\_\_ Meeting Location (if applicable) Carson City BLM

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

We support the creation of a haul road that moves truck traffic away from regular vehicular traffic in the interest of public safety and enhanced operational ability for a valuable Northern Nevada Employer and business. We believe the "haul road" will create positive benefits for everyone involved and support the use of public land to benefit the greatest number of people possible.

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

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Name Kay Bennett County [Redacted]  
 Title [Redacted] Organization [Redacted]  
 Mailing Address [Redacted]  
 City [Redacted] State [Redacted] Zip [Redacted]  
 Email [Redacted]  
 Date 2-11-2013 Meeting Location (if applicable) Carson City

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

*We support Constock Mining's application to amend their existing right of way. It would benefit everyone to allow Constock Mining to use Lot 51 and other BLM segments to move ore from the pits to the processing facility. Mining trucks should not have to be on St. Route 342. If there is a reasonable alternative, because of the huge economic impact to entire region, BLM should consider every option to enable Constock to move forward.*

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

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Name [REDACTED] County [REDACTED]

Title \_\_\_\_\_ Organization \_\_\_\_\_

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email \_\_\_\_\_

Date 02/12/13 Meeting Location (if applicable) N/A

Please check box if you want to be on the mailing list for future updates and notifications for this project.

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**COMMENT** (use back side if you need additional space or attach additional sheets)

*Amend the existing Row to allow for use of an alternative haul road across public land segments*

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Please check box if you do **not** want your name released when comments are made public.

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[REDACTED]  
February 11, 2013

Brian Buttazoni, Planning and  
Environmental Coordinator  
5665 Morgan Mill Road  
Carson City, NV 89701

Reference: 2800 (LLNVCO2000)  
NVN 091237

This letter is in response to your letter of January 15, 2013, requesting information concerning Comstock Mining's proposed haul road.

I believe that the Bureau of Land Management should transfer the ownership of all properties within the Comstock Historical District to Storey County and let Storey County manage the property. This would allow those people now paying taxes on property in the Historical District to get legal ownership instead of BLM claiming we do not own it when we are paying the taxes.

I, as a property owner, have for a ten-year period been denied the right to construct a road on land that I continue paying Storey County taxes on. I know of fellow property owners who have constructed houses or portions of houses on land that BLM claims ownership of. They are paying taxes to Storey County for their houses.

By BLM giving Storey County ownership to be passed on to the tax-paying property owners a lot of problems dating back to the 1860's could be rectified.

Up to now BLM has listened to a few vocal people and made decisions based on their input that was not in the best interest of the local populace. There was a Bill presented in 2012 then dropped that would have rectified this situation.

Sincerely,

Daniel L Bowers

cc-  
Pat Whitten, Storey County Manager  
Dean Haymore, Community Development Director  
Austin Osborne, Human Resources Director  
Bill Sjovangen, Storey County Commissioner  
Marshall McBride, Storey County Commissioner  
Lance Gillman, Storey County Commissioner  
Governor Sandoval c/o Gerald Gardner  
Senator Heller c/o Ashley Carrigan  
Assemblyman Amodei c/o Stacy Parobek

[REDACTED]  
[REDACTED]  
February 13, 2013

Brian Buttazoni, Planning and  
Environmental Coordinator  
5665 Morgan Mill Road  
Carson City, NV 89701

Reference: 2800 (LLNVCO2000)  
NVN 091237

This letter is in response to your letter of January 15, 2013, requesting information concerning Comstock Mining's proposed haul road. Their request should be approved without further delay. The land involved has no redeeming value to the majority of U.S. citizens. Comstock Mining or their predecessors have paid taxes on the land since the district was formed in 1859. When the first map was sent to Washington D.C. to be confirmed.

I believe that the Bureau of Land Management should transfer the ownership of all properties within the Comstock Historical District to Storey County and let Storey County manage the property. This would allow those people now paying taxes on property in the Historical District to finally get legal ownership.

I, as a property owner, have for a ten-year period been denied the right to construct a road on land that I continue paying Storey County taxes on. I and my fellow property owners who have constructed houses or portions of houses on land that BLM claims ownership are paying taxes to Storey County for their houses.

Up to now BLM has listened to a few vocal people mostly based in Lyon County and made decisions based on their input, but not in the best interest of the Storey County populace.

Sincerely,

Dail E Turney

cc

Pat Whitten, Storey County Manager  
Dean Haymore, Community Development Director  
Austin Osborne, Human Resources Director  
Bill Sjovangen, Storey County Commissioner  
Marshall McBride, Storey County Commissioner  
Lance Gillman, Storey County Commissioner  
Governor Sandoval c/o Gerald Gardner  
Senator Heller c/o Ashley Carrigan  
Assemblyman Amodei c/o Stacy Parobek



# American Flat/ Lucerne Access Right-of-Way Environmental Assessment



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Name Kenneth L. Dorr, P.E. County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email [REDACTED]

Date February 07, 2013 Meeting Location (if applicable) 1/22/13: BLM Carson City Field Office

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

### COMMENT *(use back side if you need additional space or attach additional sheets)*

The Proposed Access and Haul Road Improvements within Sec 6, T18N, R21E, MDM located just east of Comstock Mining's Processing Plant Site will not have an effect or impact the operations of the the reconstructed V&T Railroad owned by the Nevada Commission for the Reconstruction of the V&T Railway (which includes the track in American Flat) as long as alternate access routes are provided. The Railway will, however, need to continue to use the existing roadway system in American Flat to access the Track for maintenance and operational support purposes. Note that the most direct access to the Scales Siding and grade crossing uses the Lower American Flat Road from SR 342 to just east of the Plant Site, thence continuing on to Scales after diverging southerly from the current access/haul road. Additionally, Railway personnel utilize the "Gray Road" which diverges northerly from the current access/haul road to the Donovan Siding vicinity above the American Flat "Water Tank." Please refer to the Right-of-Way Plans prepared by NDOT to support the Phase 1 Railroad Reconstruction for a detailed depiction of what is referred to as the "South Access Road" thereon. Additionally, please refer to the Right-of-Way Plans prepared by ManhardConsulting supporting the Phase 2A/2B Reconstruction which depict the "A3" Line running from the current access/haul road to Scales.

Should the re-establishment of the historic "American Flat Upper Road" be considered from the Gold Hill Cemetery to the "Water Tank" which will run adjacent to the railroad and will require fairly significant earthwork operations and grading, we would request to be consulted during roadway design to ensure that the reconstructed roadway does not physically conflict with or encroach within the railroad's "Clear Limits."

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the BLM Sierra Front Field Office during regular business hours (7:30 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, and may be made publicly available at any time. While individuals may request that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee it will be able to do so. If you wish to withhold your personal information you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses available for public disclosure in their entirety.



**American Flat/ Lucerne Access Right-of-Way  
Environmental Assessment**

**RECEIVED**  
FEB 14 2013  
BUREAU OF LAND MANAGEMENT



**BLM NEPA/NHPA SCOPING COMMENT SHEET**

**Informed decisions are better decisions:** The Bureau of Land Management (BLM) believes that public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

**Where to provide comments:** You can hand this form in at a public scoping meeting or mail it in using the address on the reverse. **Comments can also be submitted via email to the following email address: [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov).**

Name James Clark County [REDACTED]  
Title [REDACTED] Organization [REDACTED]  
Mailing Address [REDACTED]  
City [REDACTED] State [REDACTED] Zip [REDACTED]  
Email [REDACTED]

Date JAN 29, 2013 Meeting Location (if applicable) PIPERS OPERA HOUSE

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

1) THE BLM STAFF PRESENTED A VERY CONCISE AND INFORMATIVE PRESENTATION OF ALL THE ISSUES REGARDING THE AMERICAN FLAT/LUCERNE ROAD DISPUTE. I BETTER UNDERSTAND THE PROCESS AND OWNERSHIP QUESTION. THANK YOU 2) SINCE THIS IS NOT A REQUEST FOR MINING ON BLM PROPERTY, BUT FOR ACCESS TO CONTINUE TRAVELING ON AN EXISTING ROAD THAT IS I BELIEVE IN 90% PRIVATE OWNERSHIP, I STILL FAIL TO SEE THE NEED FOR SUCH AN ENORMOUS AMOUNT OF TIME AND GOVT. PROCESS TO APPROVE SUCH AN APPLICATION. YOUR STAFF PROVIDED ME THE DISPUTE BETWEEN THE SURVEYS OF BLM (QUADRANTS AND AGE OLD) MINING

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do not want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the BLM Sierra Front Field Office during regular business hours (7:30 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, and may be made publicly available at any time. While individuals may request that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee it will be able to do so. If you wish to withhold your personal information you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses available for public disclosure in their entirety.

American Flat/Lucerne Access ROW EA  
c/o Brian Butazoni  
Bureau of Land Management  
Carson City District Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Place  
Stamp  
Here

From:

RECEIVED

FEB 14 2013

BUREAU OF LAND MANAGEMENT

# Thank you for your comment!

To return via mail:

Fold in thirds so address (above) is showing,  
add postage, tape bottom of fold, and mail.  
Please postmark by: *February 16, 2013*

Comment continued:

MAPS AND SURVEYS ARE IN OPPOSITION TO ONE ANOTHER, YET THE HAUL TRUCKS MUST CONTINUE ON HWY 342 WHILE WAITS OF OPPOSITION TO THIS NECESSITY HAVE BEEN BROUGHT TO BEAR BY THE SAME PEOPLE WHO FORCED THEM THERE IN THE FIRST PLACE. I FIRMLY BELIEVE THE 1.1 MILES HAULING FORCED ONTO HWY 342 WILL INCREASE DRAMATICALLY IF THIS ISSUE ISN'T SOLVED EFFICIENTLY AT THE BLM LEVEL. I ALSO BELIEVE CMI HAS BEEN VERY PATIENT AND COOPERATIVE IN THIS MATTER, IN ADDITION, AS A RESIDENT CONCERNED WITH HISTORIC PRESERVATION EFFORTS ON THE COMSTOCK, I HAVE NOTICED A DRAMATIC DROP IN CMI CONTRIBUTIONS. RECEIVE THIS DISCUTE AND HAVE YOU ARE PROBLEM SOLVERS AND NOT PIMPLERS. *A. Phil*



*Working with Communities to Protect Their Land Air and Water*



February 15, 2013

Brian Buttazoni  
Sierra Front Field Office  
Carson City District  
5665 Morgan Hill Rd.  
Carson City, NV 89701

Re: Scoping Comments on the Comstock Mining Inc, (CMI) American Flat Road/Lucerne Access Right of Way Environmental Assessment, DOI-BLM-NV-C020-2013-0005-EA

Dear Mr. Buttazoni,

In addition to these comments Great Basin Resource Watch (GBRW) incorporates the comments of the Comstock Residence Association as part of our comments, see attachment.

In general, the Right of Way (ROW) requested by Comstock Mining Inc. (CMI) is within a sensitive region in terms of both national historic significance and as a residential area. The granting of this ROW hinges on the compatibility of industrial scale mining within the region. BLM has stated in the scoping documents, "Comstock has not submitted to the BLM a plan of operations for mining on public lands. There is no proposal before the BLM to mine on public lands." However, the proposed actions for the ROW are a component of industrial large-scale mining. Thus, the discussion in the EA and subsequent decision document will have broad implications for any mining operation in and around residential and/or historic districts.

BLM should revisit its decision to develop an EA instead of an Environmental Impact Statement (EIS). In order to fully assess cumulative impacts BLM will need to consider much of the current mining activities in the region. The special character of the region will require detailed evaluations of the level typically required in an EIS.

### **Scoping Process**

GBRW does not agree with the BLM that the best approach to garnering optimal scoping is through a poster session and short presentations with no group Q&A. The purpose of scoping is to cast a wide net so as to fully capture all aspects that should be analyzed in the development of the EA. While a one-on-one process with stations staffed by people with expertise is useful, the opportunity lost in this scoping process was for people to hear the questions and suggestions from others as to what to study in preparing the EA. It is common that ideas are triggered by the thoughts and questions of others creating a better collective process.

BLM should have an additional element to the draft EA "meetings" to allow for public discourse over this ROW. To have this kind of element to the public process requires patience and good

facilitation. BLM needs to exercise maximum transparency and encourage the highest level of public discussion to fulfill the objectives of the National Environmental Policy Act.

### **Water Issues**

1. Toxic runoff. The EA needs to assess the potential for degraded water runoff from the roads as part of the ROW. To do so will require an analysis of the minerals that are hauled, which will fall from the haul vehicles and react with precipitation and dust control water. At a minimum the analysis needs to include contaminant mobility testing and should include acid/base accounting. There is also the potential for toxic hydrocarbon runoff, which needs to be determined as well.

A complete characterization of the surface waters and springs that could be impacted by any toxic runoff will be needed as well.

2. Water use. BLM needs to examine the amount and source of water to be used in the construction and maintenance of the ROW and the source of this water. The source of maintenance water is critical to the proper evaluation of mobility tests.

3. Analysis of the potential loss of riparian areas is also necessary.

### **Air Issues**

1. Hazardous Air Emissions. Analysis and mitigation of gaseous emissions (such as sulfur oxides, nitrogen oxides, and hydrocarbons, etc.) from the haul vehicles is needed.

2. Greenhouse Gases. In light of pending regulations on carbon dioxide (greenhouse gas) releases, the EA should analyze the project's contribution to carbon dioxide and other significant greenhouse gas emissions.

3. Particulates. The expected amount of airborne particles as dust or diesel vehicular emissions from all aspects of the ROW needs to be determined with concentrations for varying wind factors. Impacts of the "dust" should be evaluated for inhalation health impacts, visibility impairment, and resettling on surface water and vegetation. In the case of resettling on surface water there should be a chemical analysis of the dust to determine whether the dust could have an adverse effects on the chemistry of the water. In general, there needs to be a plan for dust control.

### **Wildlife Issues**

1. Flora and Fauna. A full inventory of the loss of plant and animal species, examining both estimated numbers and specie variation needs to be done as a result of land disturbance, and hauling operations.

In addition according to the 2006 Scorecard of the Nevada Natural Heritage Program<sup>1</sup> there have been citings of rare and at-risk plant and animals in the Virginia Range, see Figure 1. This map is not high resolution and the document does not clarify which plants and animals pertain to the citing locations on the map. BLM, if it has not already done so, should follow up on these citings to determine which plants and animals are referred to here and how the mine project will impact them, and what mitigation is possible to avoid these impacts.

2. Migratory species. An understanding of any specie migratory routes needs to be resolved, and the impacts of the loss of these migratory routes from the various land disturbances should be addressed.

### Land Issues

1. Viewshed. There also needs to be an analysis of whether the loss of scenic views will affect economic, historic, and ecological viability of the area. In particular, is the unique character of the region with historic aspects as well as rural residential visual aspects.
2. Carson River Mercury Site (CRMS). Portions of the ROW overlap with both moderate and high risk zones containing “Contaminants of Concern” as identified by the US Environmental Protection Agency and the Nevada Department of Environmental Protection. Figure 2 roughly illustrates the overlap with the CRMS risk zones. Clearly the ROW passes through zones of moderate and high risk. The EA must address impacts to the CRMS and delineate a clear mitigation plan to protect public health.

### Cultural Issues

1. Archeological. The project area must be surveyed for historical and archeological artifacts, and mitigation plans must be developed for any of these sites.
2. Native American Cultural. In the American Indian Religious Freedom Act (AIRFA), Congress stated that “[i]t shall be the policy of the United States to protect and preserve for American Indians their inherent freedom to believe, express, and exercise the traditional religions.” 42 USC § 1996 (1982). The BLM must analyze the cumulative impact to the ability of Native Americans to fully practice the traditional religions within the study area. The analysis must include both known sacred and spiritual sites as well as traditional food and medicine gathering, important components of traditional practice.

### Cumulative Issues

The EA must also examine how the various impacts of this ROW will add to the collective impacts of other historical and ecosystem disturbing projects in the region. In particular, the existing large-scale mining activities. For example, could emissions due to this ROW when taken together with other emission sources in the region result in exceedence according to the Clean Air Act. Or, does the ROW disturbance further impair the regional ecosystem resulting in seriously threatening fauna and/or flora. The cumulative impact analysis needs to address cultural traditions and the historical character of the area as well.

A cumulative impact is *“the impact on the environment which results from incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.”*<sup>2</sup> This definition is critical to determining the proper area to be studied in a cumulative impact assessment.

Again, we would like to emphasize the special character of the Comstock region. BLM must evaluate all current and potential for future mining and other projects and how the character of the region would be affected. A mitigation plan needs to be developed for public review that will preserve the environmental, cultural, and historical character of the region.

### Plan of Development<sup>3</sup> (PoD) comments

There is an inconsistency in the amount of ore to be hauled on page 3 of the PoD, which states, “The anticipated volume of material to be transported on this exclusive haul road would be more than 1,000,000 tons per year ...” Further down it is stated “...haul road between the pit and the process facility the hours of operation would be 24 hours per day, 7 days per week. It is expected that 50-60 ton haul trucks or 40 ton articulated haul trucks would be used for ore haulage. There

would be approximately 150 truck cycles per day.” A simple calculation show that at this level of hauling more like 2 to 3.5 million tons or ore per year would b e hauled on the ROW. BLM need to clarify the amount for an good analysis of impacts.

If you have any questions regarding any of our comments feel free to contact us.

Sincerely,

A large black rectangular redaction box covers the signature area. There are some faint, illegible handwritten marks above and to the left of the box.

John Hadder

A small black rectangular redaction box covers the contact information below the name.

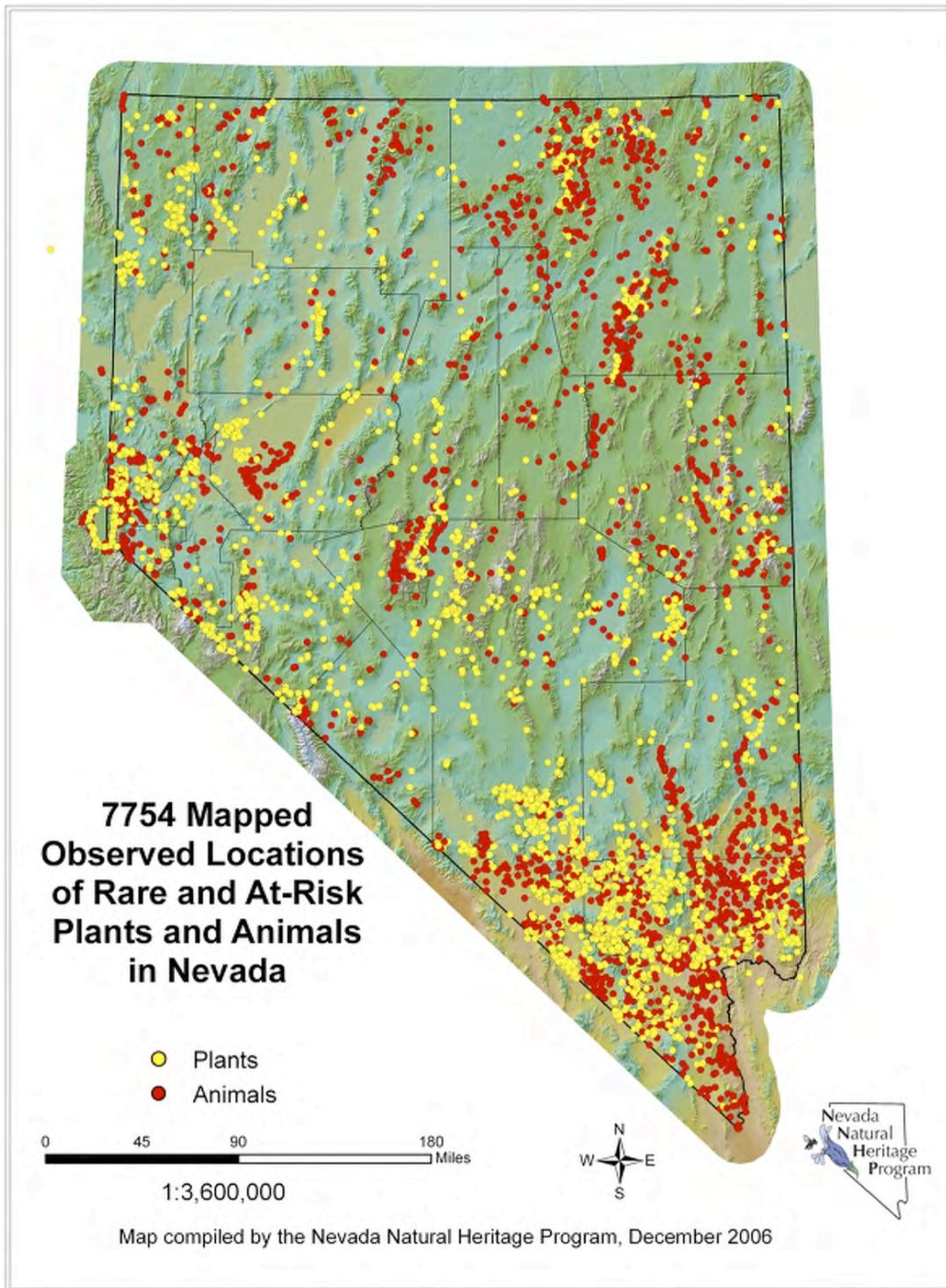


Figure 1.

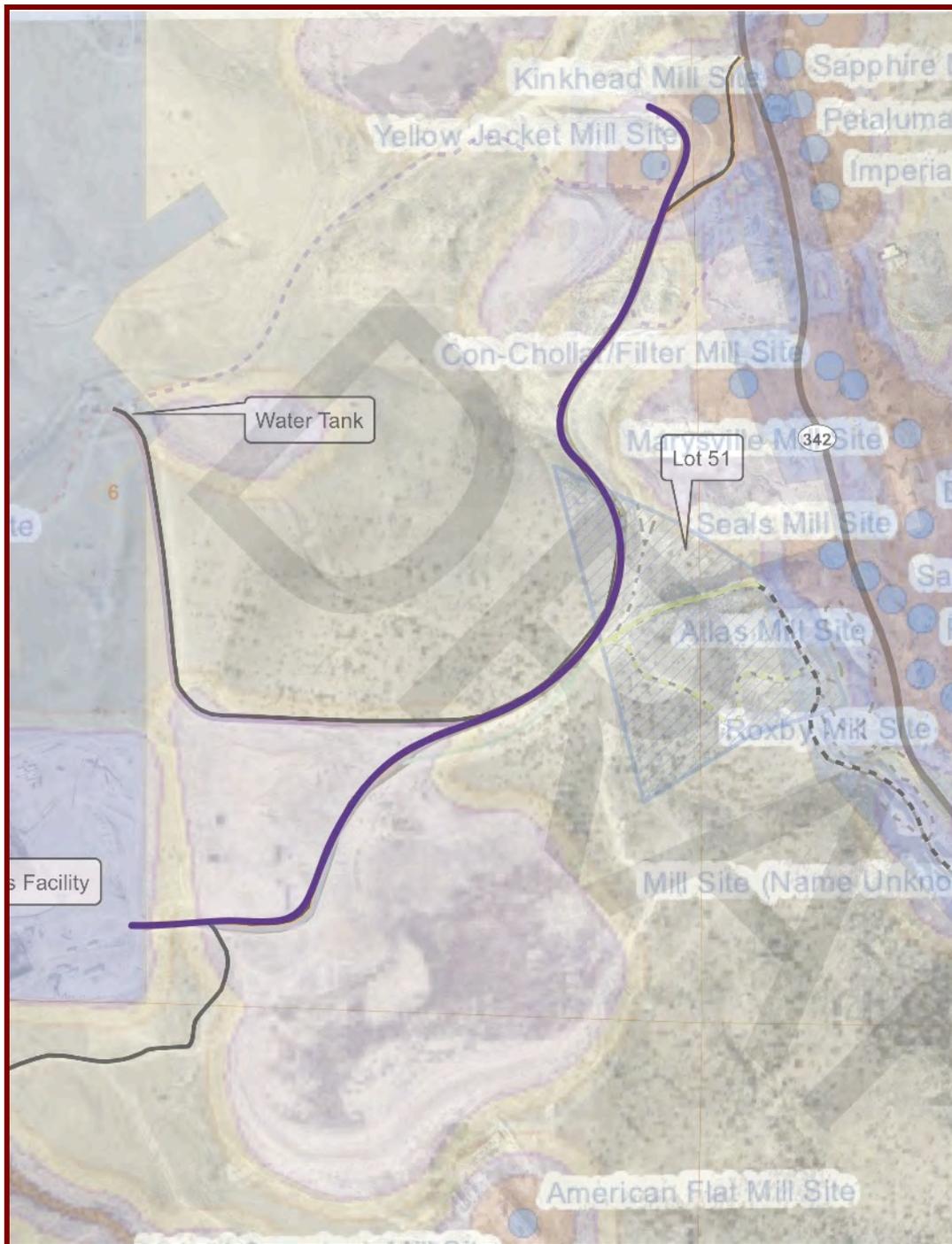


Figure 2. CRMS risk zone overlay onto ROW, highlighted in purple. Pink areas are moderate risk and red areas are high risk. Sources used to create this overlay: Nevada Department of Environmental Protection, “Carson River Mercury Superfund Site Locations of Risk Area Boundaries, Location of Comstock Lode Mills,” April 20, 2011; Comstock Mining Inc., “Draft Right of Way Plan of Development,” Figure 1, January 2013 revised.

<sup>1</sup> Nevada Natural Heritage Program. 2006. Scorecard 2006: Highest Priority Conservation Sites. Carson City, Nevada.

<sup>2</sup> 40 CFR § 1508.7

<sup>3</sup> Comstock Mining Inc., “Draft Plan of Development,” January 2013 revised.

# COMSTOCK RESIDENTS ASSOCIATION

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February 15, 2013

Brian Buttazoni  
Sierra Front Field Office  
Carson City District  
5665 Morgan Hill Rd.  
Carson City, NV 89701

RE: Comments on the Comstock Mining Inc. (CMI) American Flat Road/Lucerne Access Right of Way (ROW) Environmental Assessment (EA) Public Scoping

Dear Mr. Buttazoni,

Thank you for this opportunity to offer comments regarding the above referenced environmental assessment public scoping. Comstock Residents Association (CRA) is a non-profit organization made up of more than 400 individuals, including families, retirees, and business owners of all ages and persuasions who are united in their efforts to preserve the cultural and historic resources of the Virginia City National Landmark Historic District (VCNLHD). Comstock Residents Association incorporates the attached comments of Great Basin Resource Watch (GBRW) as part of our comments along with our own, as follows.

## **BACKGROUND**

The national concern for the protection and preservation of the cultural resources exemplified by the Comstock mining area led to the designation of the Virginia City National Landmark Historic District on July 4, 1961 under the Historic Sites Act of 1935. The proposed EA concerns a haul road right-of-way that lies within the boundaries of the VCNLHD. The VCNLHD is listed as “endangered” by the National Park Service (NPS) because surface mining has adversely affected the setting and historic properties of the district (Barker 1988:28). Therefore, it is essential that all proposed projects that will affect any cultural resource of the district receive comprehensive review and consideration. In this context, we submit the following comments and suggestions regarding the proposed CMI ROW EA.

## **SPECIFIC COMMENTS**

1. Potential direct and indirect impacts resulting from the proposed action will enable the expansion of an intrusive contemporary surface mining operation within a National Historic Landmark (NHL) that is contrary to the purposes of the National

Environmental Protection Act (NEPA), the National Historic Preservation Act (NHPA) and contrary to established federal public policy. All direct and indirect impacts to the Landmark District must be identified within a broad context. At a minimum, all impacts to the historic landscape, the built environment, the local culture and custom, long-term economic viability of tourist-related businesses, and the historic integrity of the district as a whole must be systematically analyzed. The 2001 Carson District Resource Management Plan (RMP) states under Cultural Resources - Standard Operating Procedures: **“Cultural resources are preserved and protected on public lands; the BLM must ensure that proposed land uses, initiated or authorized by BLM, avoid inadvertent damage to cultural resources on both federal and non-federal lands.”** (emphasis added)

2. Regarding cultural resources, the present EA scoping document refers only to Sect. 106 of the NHPA. However, the project is located within a National Landmark District. Since Sect. 110 (f) of the NHPA relates specifically to National Landmarks, the language of Sect. 110 (f) should guide the EA process. Additionally, Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94-429), Section 8 of the National Park System General Authorities Act of 1976, and provisions of the National Historic Landmark program at 36 CFR 65 should be considered.

3. Cumulative effects are not addressed in the scoping document, although cumulative effects of surface mining are cited by NPS in the endangered status of the VCNHLD and by Barker (1988). The Council on Environmental Quality regulations for implementing the NEPA define cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other action (40 CFR 1508.7).” The proposed ROW will link CMI mining site(s) and processing facilities with a linear landscape feature of significant proportion. A foreseeable impact of the constructed ROW would be the introduction of a road 87 ft. wide designed to accommodate 50-ton haul trucks. The terrain in numerous segments of the ROW is very steep. An 87 ft. wide roadbed coupled with associated cuts and fills will result in substantial land disturbance. Given the stated intentions of CMI to use the ROW to transport up to a million tons of ore annually from their existing holdings (both patented and unpatented), the foreseeable impacts to the historic landscape will be significant. A consequence of the proposed ROW will be a distinctly modern landscape essentially truncating the historic district. BLM must be prepared to evaluate the effects of such an action in light of NEPA requirements.

4. The proposed Area of Potential Effect (APE) for the EA scoping document is deficient. The APE currently does not consider the potential impacts of the project to the NHL as a whole. The boundaries of the VCNLHD should be used as the APE. Additionally, The New Calidonia Shaft, the Keystone Shaft, the Dryson Mine, the Overman Mine, the Gold Hill Masonic Cemetery, and the Gold Hill Catholic Cemetery are known historic sites within the APE; these may sustain direct or indirect effects as a consequence of proposed road construction and utilization of the ROW.

5. The EA scoping document recognizes the presence of “Visual Resources” but does not carry the issue forward claiming visual that resources are “not affected.” This rationale is based on visual resource classifications contained in the 2001 Carson District RMP. Because no Historic American Landscape (HALS) inventory exists for the VCNLHD, visual resources classifications in the 2001 RMP are inadequate. With the update of the Carson District RMP currently underway, it is anticipated that visual resources in the VCNLHD will receive more comprehensive consideration. Barker (1988:29) notes the importance of landscape and viewsheds in the VCNHLD, noting in particular the degradation of the viewshed through Gold Canyon that has continued unimpeded since his study. The EA scoping document should address visual resources in a comprehensive fashion. A HALS survey should be completed prior to any decision-making regarding visual resource impacts (Barker 1988:31).

6. The EA scoping document (Category II, Other Resources) recognizes “Minerals” as a resource or issue present but claims “No impacts to mining claims are expected”. The EA scoping document contains only limited information regarding the land status of properties within the project area. Reviewers are hampered by this lack of information. A full understanding of land ownership status is essential for proper review. BLM should provide the public with full and complete land status information regarding the project and allow adequate time for review and comment prior to closing the public comment period.

7. The CMI ROW EA scoping document is of high concern to residents of the VCNLHD and is politically contentious. The recommendations for effective management and protection of the Landmark that Barker (1988) identified have been ignored or imperfectly implemented on every level. The failure of government agencies to act responsibly has led directly to active open pit mining which continues to cumulatively degrade and adversely affect the VCNHLD. A process to create a Programmatic Agreement (PA) or Memorandum of Agreement (MOA) with input from CMI, local, state and national agencies as well as members of the public and residents of the District should be initiated. Stakeholders should include the BLM, the Nevada State Historic Preservation Office (SHPO), the Comstock Historic District Commission (CHDC), Storey County Commissioners, Lyon County Commissioners, the National Park Service (NPS), the Advisory Council on Historic Preservation (ACHP), the Comstock Residents Association (CRA), and the general public. The resulting PA or MOA would guide the investigation and methodology used in identifying all potential effects and all potential mitigation measures during development of the EA.

8. A segment of the ROW is identified and designated for physical traffic separation between haul truck and local traffic. The location of this separation appears to accommodate and provide safety for local traffic to residences located to the north and west of the processing facility. Recreational use of this road section should also be considered. The physical road separation should be extended westerly to the point where the road leading to the American Flat Mill intersects the ROW.

Significant recreational traffic occurs on this road providing access to the American Flat Mill site and the general area of American Flat. The ROW design should accommodate the safety of recreational users as well as local residents.

9. Among the options listed by CMI in their draft ROW Plan of Development (POD), option 4 assumes as fact that CMI has legal authority to utilize State Route 342 for the purpose of hauling ore. This is not true. For nearly a decade CMI was prohibited from using SR 342 by the terms of its Storey County Special Use Permit. Storey County recently reversed its long-held legal opinion and stated that it lacked the authority to impose such a condition. However, in a lawsuit currently pending against CMI and Storey County challenging this conclusion, the Judge assigned to the case disagreed and stated that the County in fact had land use authority to impose such a condition. Since it is reasonably foreseeable that CMI cannot use SR 342 as a haul route, CMI's use of the ROW will directly facilitate its mining operations. BLM therefore must assess the true impact of the proposed ROW and may not limit the scope of EA to just the ROW but must also examine the mining operation the ROW facilitates.

10. The BLM scoping document Figure 5 (CMI POD figure 8) delineates an area south of Silver City on non-federal land as a location for a processing facility. A number of State of Nevada permits as well as a Lyon County Special Use Permit are required prior to the construction of a processing facility at this location. CMI would face a lengthy permitting process with numerous agencies, the outcome of which would be uncertain. BLM should not consider this option viable within the context of this EA process.

11. Although the BLM Land Use Planning Handbook H-1601-1 page 4 states "...BLM should consider existing plans of Tribal, state, and local governments and other Federal agencies", the EA scoping document fails to reference the information and data contained in the Storey County Master Plan, particularly Part II (see: [http://www.storeycounty.org/planning/master\\_plan.asp](http://www.storeycounty.org/planning/master_plan.asp)). The Storey County Master Plan includes information on the identification, preservation, protection, and recommended management strategies for the cultural resources of the historic district and land sensitivity maps relating to viewsheds, landscape features archeology, settlement patterns, etc. The Storey County Master Plan is a legal document containing adopted policies and practices. The BLM should review and consider the goals, policies, and management strategies regarding cultural resources contained in the Storey County Master Plan.

12. CMI states in their ROW POD that the current expected life span of their mining and processing facility is 10 years. However, CMI representatives applied for certificates of appropriateness from the CHDC for mill structures stating a mining project lifespan of 5 years. The publicly-stated short-term project life of CMI must be weighed against the long-term consequences of further degradation of the cultural resources of the VCNLHD. The BLM should address the economic sustainability of cultural tourism in the VCNLHD in contrast to the short-term

economic model represented by the CMI project. The issuance of the ROW could further contribute to the already identified adverse cumulative effects from modern mining practices within the VCNLHD (Barker 1988).

13. The EA scoping document fails to reference the fact that the proposed ROW is located within the Carson River Mercury Superfund Site (CRMS). CMI is currently required by the Nevada Department of Environmental Protection (NDEP) to perform sampling and testing for the presence of specific Contaminants of Concern (COC) on any land that has been or will be disturbed. It is imperative that BLM coordinate with NDEP to assure that no COC will be released into the environment with the potential to affect the health of residents, visitors and employees of CMI.

14. The EA scoping document fails to consider the language in the 2001 Carson District RMP regarding minerals management. The EA scoping document states that the ROW application "... does not involve mining taking place on privately-owned lands; ongoing mining in the Billy the Kid and Lucerne pit areas." The mining activities of CMI cannot be separated from the ROW and still comply with NEPA requirements. The NEPA process provides for an EA and/or an EIS. The BLM position that only an EA is necessary for the processing of the ROW application results in significant cumulative effects to public and private lands as yet untouched but slated for future mining by CMI. CMI's refusal to submit a Plan of Mining Operations to BLM is an attempt to dodge NEPA responsibilities. BLM's assertion that only an EA is needed fails to consider the following points:

- **The project has a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.** Although the right of way is a small portion of BLM land, granting a ROW to enable ore haulage from an existing or future pit to the mill site has a high level of consequence, enabling extensive present and future mining activities that could degrade air, water and historic resources.
- **The project significantly affects natural resources and unique historic and cultural resources.** All of CMI's holdings are located within the VCNHLD. Granting the ROW will create, quite literally, a path to the destruction of the Landmark and result in the deterioration of landscapes infused with historic relevance. In addition, the ROW will enable the degradation of ground water at the CMI mill site that is located in a basin, within 200 feet of the headwaters of a stream that is a "Waters of the United States" (33 U.S.C. §1251 et seq. (1972), and possibly near wells. BLM should consult with the Corps of Engineers and consider an EIS based on the threat to water quality.

- **The project has potentially significant environmental effects and involves unique or unknown environmental risks.** CMI holdings are located in the Carson River Mercury Superfund Site. Mercury can be absorbed through the skin and as elemental mercury vaporizes, the vapors present an inhalation hazard. Because CMI's mining activities disturb toxic soils via hauling, drilling, crushing and blasting, BLM should consider the potential for enabling negative environmental impacts as a direct result from the use of the ROW haul road by CMI.

15. If the ROW is granted as proposed, the remaining public property in several of the parcels will be isolated and degraded, effectively destroying any future use or value of the remaining property to the public. The BLM should carefully consider this consequence. Certain identified historic resources exist on these parcels. The isolation of these historic resources on small parcels amidst a landscape radically reshaped by contemporary mining activities deprives them of any real historic context. Careful and substantial mitigation measures need to be considered in the EA regarding this issue.

16. Granting construction and use of the ROW will have effects far beyond its narrow corridor. One only needs to consult the CMI web site to find that the ROW is merely one small element in a plan to extensively mine the heart of the VCNHLD. Because of this much broader goal, we believe that an environmental impact study should be required.

### **ADDITIONAL CONSIDERATIONS**

CMI indicated in the BLM ROW application they had received a reclamation permit from NDEP and posted a bond. The permit is #0196. It should be noted in their application for this permit they listed Lot 51 as owned by CMI not BLM. The information used to obtain the permit was incorrect and so NDEP issued the permit with the understanding that Lot 51 was private land. BLM should inform NDEP of this discrepancy and if public lands were not properly included in the reclamation fees or BLM was not consulted, this should be remedied.

The NPS has a program known as "Planning, Environment & Public Comment" (PEPC) for the review of projects with environment consequences, including those which contain issues relating to historic preservation. The BLM should explore the potential of inviting the NPS in initiating a similar program for the VCNLHD.

The BLM should invite The Udall Foundation: U.S. Institute for Environmental Conflict Resolution to become involved with this project.

If you have any questions concerning the comments provided, please call me at [REDACTED]  
[REDACTED], or e-mail me at [REDACTED]

Once again, thank you for taking these concerns into consideration.

Sincerely,

bey

[REDACTED]

### **SUPPLEMENTAL MATERIALS**

16 U.S.C. 470 and 470-1

Leo Barker: Over The Lode; An investigation of the status of the Virginia City National Historic Landmark District; National Park Service; San Francisco. 1988. DRAFT document.

Storey County Master Plan Part II

Carson City Field Office Consolidated Resource Management Plan; 2001.

BLM Land Use Planning Handbook H-1601-1

**Michele Lefebvre**

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**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Friday, February 15, 2013 9:57 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: Encouragement of ROW for Comstock Mining

----- Forwarded message -----

**From:** **Ron Bliss** [REDACTED]  
**Date:** Fri, Feb 15, 2013 at 9:22 AM  
**Subject:** Encouragement of ROW for Comstock Mining  
**To:** "[LucerneROW2012@blm.gov](mailto:LucerneROW2012@blm.gov)" <[LucerneROW2012@blm.gov](mailto:LucerneROW2012@blm.gov)>

BLM;

This is to encourage you to grant a haul road right-of-way for Comstock Mining so it does not have to continue to use Rt. 342. I am a member of the Dayton Chamber of Commerce Board and, as such, have a vested interest in the success of Comstock Mining when it comes to tax revenue for Lyon County. The company is our biggest hope for job creation and a better life through taxes collected. By granting the company the ROW, you help Lyon County in general and Dayton, in particular. Thank you for allowing me input.

Sincerely,

Ron Bliss  
[REDACTED]

[REDACTED]

February 15, 2013

Brian Buttazoni, Project Manager  
BLM Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Subject: Comstock Mining  
"Amend an existing ROW to allow for the use of an alternative haul road  
across public land segments".

The management of "Public Land", especially in Nevada is always a concern for civic minded people. However the proper use of "Public Land" is vital to the commerce of Nevada, our country and foreign investment.

Currently I am on two committees at NNDA (Banking & Finance and Professional Development) and a past President of the Dayton Area Chamber of Commerce: today I am on their advisory board. My wife and I have owned several businesses over the years and we have been honored with three Governor Awards for Economic Development in Nevada. We have always enjoyed citizenship and the opportunity to participate in civic concerns.

***Comstock Mining Company is civic minded and has a proven track record of saying what they are going to do and doing what they say. They have accountability and live up to their agreements. I feel they will certainly operate with integrity when they use the "Public Land". I recommend they be granted permission.***

*Sincerely,*

*Charles E. Harrall*



**Michele Lefebvre**

---

**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Sunday, February 17, 2013 8:08 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: American Flat/Lucerne Access Right of Way Environmental Assessment  
**Attachments:** New Microsoft Word Document (3).docx; letter to BLM.docx

----- Forwarded message -----

**From:** **Buttazoni, Brian** <[bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)>  
**Date:** Sun, Feb 17, 2013 at 8:05 AM  
**Subject:** Fwd: American Flat/Lucerne Access Right of Way Environmental Assessment  
**To:** Lucerne ROW <[lucerneROW2012@blm.gov](mailto:lucerneROW2012@blm.gov)>

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Sat, Feb 16, 2013 at 8:50 PM  
**Subject:** American Flat/Lucerne Access Right of Way Environmental Assessment  
**To:** [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)

Dear Mr. Buttazon,

Attached please find input regarding the American Flat/Lucerne Access Right of Way.

Thank you,

Ericka Bjorum-Nelson

--  
Brian L. Buttazoni  
*Planning and Environmental Coordinator*  
Sierra Front Field Office  
(775) 885-6004  
(775) 885-6174 (fax)

American Flat/Lucerne Access Right of Way Environmental Assessment

Date February 16, 2013

Name Ericka Bjorum-Nelson

[REDACTED]

[REDACTED] [REDACTED]

[REDACTED] [REDACTED]

February 15, 2013

This letter is being written per instructions regarding the Right-of-Way (ROW) application filed by Comstock Mining Company regarding the American Flat/Lucerne Access Right of Way

I am writing this letter on behalf of the Nevada All-State Trail Riders (NASTR). I will tell you just a little about us. The Nevada All State Trail Riders, Inc. was organized in 1968 for the purpose of preserving historic trails by sponsoring and promoting horseback riding on these trails. I also invite you to go to our website [www.nastr.org](http://www.nastr.org).

One way NASTR generates income for trail preservation is by holding endurance rides. We currently hold four endurance rides yearly. This is a huge undertaking and the majority of the work is done by volunteers. We have also successfully held auctions and trail trials to raise money for trail preservation. I would also add that we have built and maintained many trails in our community. We truly feel we are making a difference in our community by supporting access to our wonderful and historic Sierra Nevada Mountain trails as well as the entire Northern Nevada area.

Now this brings me to the reason for our letter. NASTR has, for the last 46 years, held an endurance ride called Virginia City 100. This is a 100 mile endurance ride that takes place in the mountains, trails and roads in the Virginia City/Washoe Valley area. We were directly impacted last year by the haul road used by Comstock Mining. While we were given permission to use the haul road last year, it was unsafe for horses and riders because of the fencing and the drop off which means there is nowhere for riders to go when a truck comes by.

It is noted that there was an effort made by the engineers of the haul road to allow for access over the haul road with openings in the fencing, but the fence openings were not wide enough for horse and riders to pass.

So we are asking that with the new haul road there be openings made for crossing over that are wide enough for horse and rider teams to pass. Or, perhaps the engineers would put gates in the fencing that we could open and close.

So, in summary, the haul road does indeed impact use by NASTR. We feel this impact could be remedied with openings wide enough for horse and riders to pass through, or gates put in place to allow crossing of the haul road in a safe manner. I would also like to add that NASTR is willing to meet with the engineers and the BLM to show where our access has been impacted. The BLM does have our trail in their GPS files, too, which does show the exact location of our access. We are also ready to volunteer our time and effort in building access. This is an access NASTR has used for 45 years, and we hope to be able to continue with our mission of trail preservation.

Thank you,

Ericka Bjorum-Nelson

**Michele Lefebvre**

---

**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Tuesday, February 19, 2013 8:35 AM  
**To:** Michele Lefebvre  
**Subject:** Fwd: DOI-BLM-NV-C020-2013-0005-EA Comstock Mining Right-of-Way application:  
American Flat/Lucerne Access  
**Attachments:** letter to BLM - Comstock haul road.docx.pdf

----- Forwarded message -----

**From:** **Karon Dutcher** [REDACTED]  
**Date:** Mon, Feb 18, 2013 at 8:25 PM  
**Subject:** DOI-BLM-NV-C020-2013-0005-EA Comstock Mining Right-of-Way application: American  
Flat/Lucerne Access  
**To:** [lucernerow2012@blm.gov](mailto:lucernerow2012@blm.gov)  
**Cc:** er bjourum [REDACTED]

Dear Mr. Buttazoni,

It has been brought to my attention that the actual end date for public comment is February 19, 2013. Please disregard the previous letter sent to you by me regarding the American Flat/Lucerne Access Haul Road. The comment attached to this cover letter is the Nevada All-State Trail Riders official comment regarding this matter.

Thank you,  
Ericka Bjourum-Nelson



February 18, 2013

Brian Buttazoni, Project Manager  
BLM, Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
VIA EMAIL AT: [LucerneROW2012@blm.gov](mailto:LucerneROW2012@blm.gov)

RE: DOI-BLM-NV-C020-2013-0005-EA Comstock Mining Right-of-Way application: American Flat/Lucerne Access

Dear Mr. Buttazoni,

It has been brought to my attention that the actual end date for public comment is February 19, 2013.

Please disregard the previous letter sent to you by me regarding the American Flat/Lucerne Access Haul Road.

The comment attached to this cover letter is the Nevada All-State Trail Riders official comment regarding this matter.

Thank you,

Ericka Bjorum-Nelson



February 18, 2013

Brian Buttazoni, Project Manager  
BLM, Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701

VIA EMAIL AT: LucerneROW2012@blm.gov

RE: DOI-BLM-NV-C020-2013-0005-EA Comstock Mining Right-of-Way application: American Flat/Lucerne Access

I am writing this letter on behalf of the Nevada All-State Trail Riders (NASTR), a non-profit organization organized in 1968 for the purpose of preserving historic trails in Nevada by sponsoring and promoting horseback riding on these trails. I also invite you to go to our website [www.nastr.org](http://www.nastr.org).

One way NASTR generates income for trail preservation is by holding endurance rides. We currently hold four endurance rides yearly. This is a huge undertaking and the majority of the work is done by volunteers. We have also successfully held auctions and trail trials to raise money for trail preservation. I would also add that we have built and maintained many trails in our community. We truly feel we are making a difference in our community by supporting access to our wonderful and historic Sierra Nevada Mountain trails as well as the entire Northern Nevada area.

NASTR has, for the last 46 years, organized an endurance ride called Virginia City 100. This is a 100 mile/one day equestrian endurance ride that takes place in the mountains, trails and roads in the Virginia City, Washoe Valley, and American Flat areas. For many years Comstock Mining has allowed NASTR access through their property for our event, which is deeply appreciated.

Now this brings me to the reason for our letter. NASTR's Virginia City 100 was directly impacted in 2012 by the haul road used by Comstock Mining. While we were given permission from Comstock Mining to use the haul road last year, it was unsafe for horses and riders because of the fencing and the drop off, which meant there was nowhere for riders to go when a truck came by.

It is noted that there was an effort made by the BLM and Comstock Mining to allow for non-motorized access to American Flat by providing openings in the fencing. However, the fence openings were not wide enough for horse and riders to pass.

So we are asking that in the new haul road there be crossings which are wide enough for horse and rider teams to use. Or, perhaps the engineers would put gates in the fencing that we could open and close.

In summary, the haul road does indeed impact use by NASTR. We feel this impact could be remedied with openings wide enough for horse and riders to pass through, or gates put in place to allow crossing of the haul road in a safe manner. NASTR representatives are willing to meet with the Comstock Mining and the BLM to show where our access has been impacted, although the BLM has our trail in their GPS files which shows the exact location of our access. We are also ready to volunteer our time and effort in building access. This is an access NASTR has used for many years, and we hope to be able to continue our mission of trail preservation.

Thank you for your consideration,

Karon Dutcher, [REDACTED]  
Ericka Bjorum-Nelson [REDACTED]

Russell and Pamela Brandon



February 14, 2013

Mr. Brian Buttazoni  
Bureau of Land Management  
Sierra Front Field Office  
5665 Morgan Mill Road  
Carson City, NV 89701

Dear Mr. Buttazoni:

We are writing in regard to the controversy of hauling ore from the Lucerne and Billy the Kid Pits to Comstock Mining's processing plant in American Flats.

We do not believe that use of the proposed alternative haul road would cause any negative environmental or cultural issues for the citizens in the immediate or county-wide areas.

Removing the heavy truck traffic from State Highway 342 will prevent further pavement damage and eliminate the need for constant pavement clean-up. Use of the haul road would also eliminate the need for Comstock Mining to handle all of the ore twice, thereby reducing the additional dust and environmental concerns.

We would like to see the Bureau of Land Management grant Comstock Mining use of the existing haul road. The sooner this takes place, the better it will be for the entire community—the residents, the tourists, and for the mining company.

Thank you for your consideration in this matter.

Sincerely,



Russell D. Brandon  
Pamela A. Brandon

**Michele Lefebvre**

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**From:** bbuttazoni@blm.gov on behalf of CCDO\_LucerneROW2012, BLM\_NV  
[blm\_nv\_ccdo\_lucernerow2012@blm.gov]  
**Sent:** Tuesday, February 19, 2013 5:48 PM  
**To:** Michele Lefebvre  
**Subject:** Fwd: Comments on Lucerne Access Road  
**Attachments:** Scoping Comments.doc

----- Forwarded message -----

**From:** **Buttazoni, Brian** <[bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)>  
**Date:** Tue, Feb 19, 2013 at 5:45 PM  
**Subject:** Fwd: Comments on Lucerne Access Road  
**To:** Lucerne ROW <[lucerneROW2012@blm.gov](mailto:lucerneROW2012@blm.gov)>

----- Forwarded message -----

**From:** **Erich Obermayr** [REDACTED]  
**Date:** Tue, Feb 19, 2013 at 4:52 PM  
**Subject:** Comments on Lucerne Access Road  
**To:** [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov)

Dear Mr. Buttazoni,

Please find attached my scoping comments on the Lucerne/American Flats access road.

Thanks,  
Erich

Erich Obermayr  
[REDACTED]

--  
Brian L. Buttazoni  
*Planning and Environmental Coordinator*  
Sierra Front Field Office  
(775) 885-6004  
(775) 885-6174 (fax)

## SCOPING COMMENTS ON AMERICAN FLAT ROAD/LUCERNE ACCESS RIGHT-OF-WAY

Erich Obermayr



Yes, I would like to be on the mailing list for future updates and notifications.

I am a resident of Silver City and I am very concerned about the Non-Federal Alternative presented at the January 29, 2013, workshop at Piper's Opera House. At the workshop, I was told the Non-Federal Alternative would be subject to the same level of evaluation as the other alternatives. I have the following suggestions to help BLM evaluate the potential direct, indirect, and cumulative effects to the human environment from this aspect of the right-of-way authorization.

The Non-Federal Alternative according to the map presented at the workshop appears to consist of using Highway 341/342 from the Lucerne Pit through Silver City as a haul road, and the construction of a process facility at the northern end of Spring Valley.

The potential effects of using the state highway, which is also Main Street in Silver City, as a haul road are almost incalculable. They range from safety issues to disruptions of daily life by noise, dust, and traffic congestion, and potential damage to historic and non historic buildings. I would like to point out that Comstock Mining Inc.'s current use of State Route 342 between the Lucerne Pit and American Flat Road provides ongoing, tangible evidence of the effects the Non-Federal Alternative would have on Silver City. My first suggestion to BLM would be to immediately begin monitoring this use, paying close attention and measuring the amount of truck traffic, hours of operation, noise levels, dust and mud, traffic impediments, road damage, and damage to nearby historic structures. You might also gather input from local residents unfortunate enough to be living near the highway regarding effects on their lives.

1. Just a few of the safety issues BLM might examine along the Non-Federal alternative in Silver City are:
  - a. The porch of one of the buildings alongside the highway in Silver City serves as the school bus stop. About a dozen children, from grade school to high school age, are picked up and dropped off here every day. Of special concern, the bus stop is on the west side of the street meaning many of the children would be crossing through truck traffic getting to a from their homes on the east side of the street.

- b. The Silver City Post Office parking lot fronts onto Main Street. Postal customers are constantly turning from the highway, and backing out onto it, as they use the post office.
  - c. The one small business in Silver City also fronts on Main Street. It is dependent upon customer's easy and safe access from the highway.
  - d. Any Silver City residents wishing to travel to Carson City, or take State Route 342 to Virginia City must also use the same roadway the haul trucks would be using.
2. Silver City is a quiet, residential community. BLM needs to examine the potential effects industrial-scale use of the highway would have on the quality of life in Silver City, including basic elements like peace and quiet, dust, mud, and traffic congestion.
  3. Vibrations from the haul trucks would damage a number of historic structures along Main Street. BLM should conduct a complete historical architectural inventory of potentially affected buildings and assess the possibility of damage to them. (The effects of haul truck traffic on a historic structure is currently being demonstrated along Highway 342 just north of the Lucerne Pit. Vibrations from traffic are causing the collapse of a historic wooden retaining wall.)

With respect to the planned process facility, I hope BLM takes into account a number of the same concerns regarding noise, dust, activity, and other aspects of the operation that would greatly impact the quality of life in nearby Silver City. In addition, this particular area of Spring Valley was the setting for some of the earliest mining activity on the Comstock, as well as more recent mid-twentieth century mining.

Thankyou for your consideration.

Sincerely,  
Erich Obermayr



BRIAN SANDOVAL  
Governor

STATE OF NEVADA  
**DEPARTMENT OF WILDLIFE**

Winnemucca Field Office  
815 East 4<sup>th</sup> Street  
Winnemucca, Nevada 89445  
(775) 623-6505 Fax (775) 623-6568

KENNETH E. MAYER  
*Director*  
RICHARD L. HASKINS, II  
*Deputy Director*  
PATRICK O. CATES  
*Deputy Director*

February 14, 2013

Mr. Brian Buttazoni  
Planning and Environmental Coordinator  
Carson City District Office/Sierra Front Field Office  
Bureau of Land Management  
5665 Morgan Mill Road  
Carson City, Nevada 89701

Re: American Flat Road/Lucerne Access by Comstock Mining

Mr. Buttazoni:

Thank you for providing the Nevada Department of Wildlife (NDOW) with the opportunity to comment on the American Flat Road/Lucerne Access by Comstock Mining. NDOW is supportive of multiple uses on lands administered by the BLM especially when they are on a previous disturbed expansive of land. NDOW hopes that the recommendation in the letter will aid in the decision making process.

At this time NDOW has no wildlife concerns with this project. However, NDOW would like to recommend established speed limits on this haul road to help reduce wildlife vehicle conflicts. NDOW is recommending a 25 mile per hour speed limit during daylight hours and a speed limit if 15 miles per hour during non-daylight hours. The reduced speed limit during non-daylight hours is to further reduce wildlife vehicle conflicts as wildlife is more active during non-daylight hours.

Thank you for providing NDOW the opportunity to comment on the American Flat Road/Lucerne Access by Comstock Mining. If there are any questions or need for clarification, please contact me at the number above.

Sincerely,

[Redacted Signature]

Kenny Pirkle

[Redacted Contact Information]

2013 FEB 19 PM 1:22  
RECEIVED  
BUREAU OF LAND MGMT  
CARSON CITY  
DISTRICT OFFICE

Feb. 15, 2013

To Whom It May Concern:

The use of Highway 342 between Gold Hill and Silver City in Storey County, Nevada is in my opinion a bad idea. This kind of use has an effect on public safety as well as causing a lot of wear and tear on the highway surface.

Although the operation of the big trucks and the precautions the drivers take are keeping the situation in hand there will be mishaps involving the public. It is not a matter of "if" but "when." Quite a bit of dirt falls from the trucks as they enter the highway and there is a street sweeper trying to keep it cleaned up but I've experienced a very slippery situation when rain or snow is added to this dirt. The longer the trucks run the bigger the chances are of an accident happening. Is this necessary? I don't think so.

The stretch of highway being used is taking a real beating. There are more than half a dozen places along the right hand edge of the roadway where dips are forming, some of them almost potholes. This kind of overuse will cost the tax payers money to be repaired. Not to mention the major inconvenience of having to wait with a flagman while being fixed.

The most practical way to solve this problem would be to have the trucks run on the dirt haul road they were initially using regardless of the impact on areas that are not being used for anything else. Designated haul roads can be maintained by the mining company itself without public safety issues as well as not having to use public monies.

My family and I have lived in Virginia City for more than 30 years and firmly believe that extracting gold from our area is a very important aspect of the community's economic welfare.

Sincerely,



Penelope Kiechler

RECEIVED

FEB 19 2013

BUREAU OF LAND MANAGEMENT



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



## BLM NEPA/NHPA SCOPING COMMENT SHEET

**Informed decisions are better decisions:** The Bureau of Land Management (BLM) believes that public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

**Where to provide comments:** You can hand this form in at a public scoping meeting or mail it in using the address on the reverse. **Comments can also be submitted via email to the following email address: [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov).**

Name RUSSELL HARRIS County [REDACTED] **RECEIVED**  
 Title N/A Organization N/A **FEB 19 2013**  
 Mailing Address [REDACTED] **BUREAU OF LAND MANAGEMENT**  
 City [REDACTED] State [REDACTED] Zip [REDACTED]  
 Email \_\_\_\_\_

Date 1-22-13 Meeting Location (if applicable) CARSON CITY

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

my concern is the local & tourist vehicles making their way to Virginia City. The traffic is heavy. V.C. is an attraction. They have parades and cater to locals & tourist. The road should be safe for us without having heavy equipment or trucks in our path. Construct mining should be allowed to have a safe road for business

Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the BLM Sierra Front Field Office during regular business hours (7:30 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, and may be made publicly available at any time. While individuals may request that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee it will be able to do so. If you wish to withhold your personal information you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses available for public disclosure in their entirety.



# American Flat Road/Lucerne Access Right-of-Way Environmental Assessment



## BLM NEPA/NHPA SCOPING COMMENT SHEET

**Informed decisions are better decisions:** The Bureau of Land Management (BLM) believes that public involvement will serve to improve communication, develop enhanced understanding of different perspectives, and identify solutions to issues and problems. We look forward to hearing from you!

**Where to provide comments:** You can hand this form in at a public scoping meeting or mail it in using the address on the reverse. **Comments can also be submitted via email to the following email address: [bbuttazoni@blm.gov](mailto:bbuttazoni@blm.gov).**

Name Penny Kiechler County [REDACTED]

Title [REDACTED] Organization [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip [REDACTED]

Email \_\_\_\_\_

Date 1/29/13 Meeting Location (if applicable) Pipers Opera House V.C.

Please check box if you want to be on the mailing list for future updates and notifications for this project.

The draft EA will be posted on the BLM Carson City District Office website. You will be notified when it is available.

**COMMENT** (use back side if you need additional space or attach additional sheets)

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Fold in thirds so address (on reverse) is showing, add postage, tape bottom of fold, and mail, **postmarked by February 16, 2013.**

Please check box if you do **not** want your name released when comments are made public.

Comments, including names, street addresses, e-mail addresses, and phone numbers (if provided) of respondents will be available for public review at the BLM Sierra Front Field Office during regular business hours (7:30 am to 4:30 pm), Monday through Friday, except holidays. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment, including your personal identifying information, and may be made publicly available at any time. While individuals may request that the BLM withhold your personal identifying information from public review, the BLM cannot guarantee it will be able to do so. If you wish to withhold your personal information you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses available for public disclosure in their entirety.

**Skip Canfield**

---

**From:** Rebecca Palmer  
**Sent:** Monday, February 04, 2013 3:37 PM  
**To:** Skip Canfield  
**Subject:** RE: Nevada State Clearinghouse Notice E2013-120 (Scoping - EA American Flat Road/Lucerne Access R-O-W)

The SHPO supports the proposed undertaking and the Bureau of Land Management’s efforts to consult with the public who may have concerns about the effect of the undertaking on historic properties. It might be helpful for the Bureau of Land Management to indicate if this is the public’s opportunity to comment on the Bureau of Land Management’s consultation with Section 106 of the National Historic Preservation Act. The SHPO will await the consultation with our office as proposed in the document.

Rebecca Lynn Palmer

[Redacted]

Please note, my email is [Redacted]

---

**From:** [Redacted]  
**Sent:** Friday, January 18, 2013 2:17 PM  
**To:** [Redacted]

**Subject:** Nevada State Clearinghouse Notice E2013-120 (Scoping - EA American Flat Road/Lucerne Access R-O-W)



**NEVADA STATE CLEARINGHOUSE**  
Department of Conservation and Natural Resources, Division of State Lands  
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246  
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 01/18/2013

U.S. Bureau of Land Management

**Nevada State Clearinghouse Notice E2013-120**

**Project: Scoping - EA American Flat Road/Lucerne Access R-O-W**

Follow the link below to find information concerning the above-mentioned project for your review and comment.

[E2013-120 - http://clearinghouse.nv.gov/public/Notice/2013/E2013-120.pdf](http://clearinghouse.nv.gov/public/Notice/2013/E2013-120.pdf)

- **Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.**
- **Please reply directly from this e-mail and attach your comments.**
- **Please submit your comments no later than Thursday February 14th, 2013.**

[Clearinghouse project archive](#)

Questions? Skip Canfield, [REDACTED]

No comment on this project  Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

---

Requested By:

---

Distribution:

- Division of Emergency Management
- Alan Coyner - Commission on Minerals
- Alan Jenne - Department of Wildlife, Elko
- Alex Lanza -
- Alisanne Maffei - Department of Administration

Cliff Lawson - Nevada Division of Environmental Protection  
 Cory Lytle - Lincoln County  
 Craig Mortimore - Wild Nevada  
 D. Bradford Hardenbrook - Department of Wildlife, Las Vegas  
 Dave Marlow -  
 Dave Ziegler - LCB  
 David David - UNR Bureau of Mines  
 David Mouat - Desert Research Institute  
 Ed Foster - Department of Agriculture  
 Ed Rybold - NAS Fallon  
 Elizabeth A. Harrison - Tahoe Resource Team - Division of State Lands  
 Gary Derks - Division of Emergency Management  
 J Crandell - Colorado River Commission of Nevada  
 James D. Morefield - Natural Heritage Program  
 Jason Van Havel - NDOT  
 Jason Woodruff - PUCN  
 Jeff Hardcastle - State Demographer  
 Jennifer Newmark -  
 Jennifer Scanland - Division of State Parks  
 Jim Balderson - NDEP  
 John Muntean - UNR Bureau of Mines  
 John Walker - Nevada Division of Environmental Protection  
 Jon Price - UNR Bureau of Mines  
 Karen Beckley - State Health Division  
 Kevin Hill - Nevada State Energy Office  
 Kimberly Maloy - Colorado River Commission of Nevada  
 Kirk Bausman - Hawthorne Army Depot  
 Linda Cohn - National Nuclear Security Administration  
 Lindsey Lesmeister - NDOW  
 Lowell Price - Commission on Minerals  
 Mark Freese - Department of Wildlife  
 Mark Harris, PE - Public Utilities Commission  
 Marta Adams - Attorney General  
 McClain Peterson - Colorado River Commission of Nevada  
 Michael J. Stewart - Legislative Counsel Bureau  
 Michael Visher - Division of Minerals  
 Mike Dondero - Division of Forestry  
 Ms. Deborah MacNeill - Nellis Air Force Base  
 Nancy Boland - Esmeralda County  
 Octavious Q. Hill - Nellis Air Force Base  
 Pete Anderson - Division of Forestry  
 Pete Konesky - State Energy Office  
 Rebecca Palmer - State Historic Preservation Office  
 Rich Harvey - Division of Forestry  
 Richard A. Wiggins - State energy office  
 Robert Gregg - NTRT  
 Robert Martinez - Division of Water Resources  
 Sandy Quilici - Department of Conservation & Natural Resources  
 Sherry Rupert - Indian Commission  
 Shimi Mathew - Nellis AFB  
 Skip Canfield, AICP - Division of State Lands  
 Steve Siegel - Department of Wildlife, Director's Office  
 Susan Scholley - Legislative Counsel Bureau  
 Terri Compton - Department of Transportation  
 Terry Rubald - Nevada Department of Taxation, Local Government, Centrally Assessed Property  
 Tim Rubald - Conservation Districts  
 Timothy Mueller - Department of Transportation  
 Tod Oppenborn - Nellis Air Force Base

Wayne Howle - Attorney General  
Wes Henderson - NACO  
William Cadwallader - Nellis Air Force Base  
Zip Upham - NAS Fallon

## Skip Canfield

---

**From:** Compton, Terri [REDACTED]  
**Sent:** Thursday, January 31, 2013 9:34 AM  
**To:** Skip Canfield  
**Subject:** RE: Nevada State Clearinghouse Notice E2013-120 (Scoping - EA American Flat Road/Lucerne Access R-O-W)

Please see NDOT's remarks below in the agency comments section. Thanks, Terri

---

**From:** [REDACTED]  
**Sent:** Friday, January 18, 2013 2:17 PM  
**Subject:** Nevada State Clearinghouse Notice E2013-120 (Scoping - EA American Flat Road/Lucerne Access R-O-W)

### NEVADA STATE CLEARINGHOUSE



Department of Conservation and Natural Resources, Division of State Lands  
 901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246  
 (775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 01/18/2013

U.S. Bureau of Land Management

### Nevada State Clearinghouse Notice E2013-120

**Project: Scoping - EA American Flat Road/Lucerne Access R-O-W**

Follow the link below to find information concerning the above-mentioned project for your review and comment.

[E2013-120 - http://clearinghouse.nv.gov/public/Notice/2013/E2013-120.pdf](http://clearinghouse.nv.gov/public/Notice/2013/E2013-120.pdf)

- **Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.**
- **Please reply directly from this e-mail and attach your comments.**
- **Please submit your comments no later than Thursday February 14th, 2013.**

[Clearinghouse project archive](#)

Questions? Skip Canfield, [REDACTED]

\_\_\_No comment on this project \_\_\_Proposal supported as written

AGENCY COMMENTS:

For any permanent and/or temporary work performed within the state right of way, a permit will be required from the District II permit office. Thank you. Thor.



Thor A. Dyson, P.E., CPM - [Redacted]

Signature:

Date:

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Requested By:

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Distribution:

- Division of Emergency Management
- Alan Coyner - Commission on Minerals
- Alan Jenne - Department of Wildlife, Elko
- Alex Lanza -
- Alisanne Maffei - Department of Administration
- Cliff Lawson - Nevada Division of Environmental Protection
- Cory Lytle - Lincoln County
- Craig Mortimore - Wild Nevada
- D. Bradford Hardenbrook - Department of Wildlife, Las Vegas
- Dave Marlow -
- Dave Ziegler - LCB
- David David - UNR Bureau of Mines
- David Mouat - Desert Research Institute
- Ed Foster - Department of Agriculture
- Ed Rybold - NAS Fallon
- Elizabeth A. Harrison - Tahoe Resource Team - Division of State Lands
- Gary Derks - Division of Emergency Management
- J Crandell - Colorado River Commission of Nevada
- James D. Morefield - Natural Heritage Program
- Jason Van Havel - NDOT
- Jason Woodruff - PUCN
- Jeff Hardcastle - State Demographer
- Jennifer Newmark -
- Jennifer Scanland - Division of State Parks
- Jim Balderson - NDEP
- John Muntean - UNR Bureau of Mines
- John Walker - Nevada Division of Environmental Protection
- Jon Price - UNR Bureau of Mines

Karen Beckley - State Health Division  
Kevin Hill - Nevada State Energy Office  
Kimberly Maloy - Colorado River Commission of Nevada  
Kirk Bausman - Hawthorne Army Depot  
Linda Cohn - National Nuclear Security Administration  
Lindsey Lesmeister - NDOW  
Lowell Price - Commission on Minerals  
Mark Freese - Department of Wildlife  
Mark Harris, PE - Public Utilities Commission  
Marta Adams - Attorney General  
McClain Peterson - Colorado River Commission of Nevada  
Michael J. Stewart - Legislative Counsel Bureau  
Michael Visher - Division of Minerals  
Mike Dondero - Division of Forestry  
Ms. Deborah MacNeill - Nellis Air Force Base  
Nancy Boland - Esmeralda County  
Octavious Q. Hill - Nellis Air Force Base  
Pete Anderson - Division of Forestry  
Pete Konesky - State Energy Office  
Rebecca Palmer - State Historic Preservation Office  
Rich Harvey - Division of Forestry  
Richard A. Wiggins - State energy office  
Robert Gregg - NTRT  
Robert Martinez - Division of Water Resources  
Sandy Quilici - Department of Conservation & Natural Resources  
Sherry Rupert - Indian Commission  
Shimi Mathew - Nellis AFB  
Skip Canfield, AICP - Division of State Lands  
Steve Siegel - Department of Wildlife, Director's Office  
Susan Scholley - Legislative Counsel Bureau  
Terri Compton - Department of Transportation  
Terry Rubald - Nevada Department of Taxation, Local Government, Centrally Assessed Property  
Tim Rubald - Conservation Districts  
Timothy Mueller - Department of Transportation  
Tod Oppenborn - Nellis Air Force Base  
Wayne Howle - Attorney General  
Wes Henderson - NACO  
William Cadwallader - Nellis Air Force Base  
Zip Upham - NAS Fallon

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## Skip Canfield

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**From:** Alex Lanza  
**Sent:** Wednesday, January 30, 2013 2:30 PM  
**To:** Skip Canfield  
**Subject:** RE: Nevada State Clearinghouse Notice E2013-120 (Scoping - EA American Flat Road/Lucerne Access R-O-W)

Good afternoon Skip;

The Nevada Division of Environmental Protection (NDEP) - Bureau of Water Pollution Control (BWPC) - does not have any comments regarding **E2013-120 Scoping - EA American Flat Road/Lucerne Access R-O-W, Nevada**

Please note that the entity who manages this **E2013-120 Scoping - EA American Flat Road/Lucerne Access R-O-W project** may be subject to BWPC permitting associated with any of its discharges – including, but not limited to but not limited to storm water, working in waters, well development, wastewater, Diminimis, UIC, and domestic sewage discharges.

Thank you for the information and the opportunity to comment.

If you have any questions, please contact me at [REDACTED]

Respectfully,

# Alexi Lanza

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**Alexi Lanza, P.E.**

[REDACTED]

[www.ndep.nv.gov](http://www.ndep.nv.gov)

Please visit BWPC's main website:

<http://ndep.nv.gov/bwpc/index.htm>

Please join our electronic mailing lists: <http://ndep.nv.gov/bwpc/email.htm>

From: [REDACTED]

Sent: Friday, January 18, 2013 2:17 PM

To: [REDACTED]



**NEVADA STATE CLEARINGHOUSE**

Department of Conservation and Natural Resources, Division of State Lands  
901 S. Stewart St., Ste. 5003, Carson City, Nevada 89701-5246  
(775) 684-2723 Fax (775) 684-2721

TRANSMISSION DATE: 01/18/2013

U.S. Bureau of Land Management

**Nevada State Clearinghouse Notice E2013-120**

**Project: Scoping - EA American Flat Road/Lucerne Access R-O-W**

Follow the link below to find information concerning the above-mentioned project for your review and comment.

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- **Please evaluate this project's effects on your agency's plans and programs and any other issues that you are aware of that might be pertinent to applicable laws and regulations.**
- **Please reply directly from this e-mail and attach your comments.**
- **Please submit your comments no later than Thursday February 14th, 2013.**

[Clearinghouse project archive](#)

Questions? Skip Canfield, [REDACTED]

\_\_\_\_No comment on this project \_\_\_\_Proposal supported as written

AGENCY COMMENTS:

Signature:

Date:

---

Requested By:

---

Distribution:

- Division of Emergency Management
- Alan Coyner - Commission on Minerals
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- Alex Lanza -
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Tod Oppenborn - Nellis Air Force Base  
Wayne Howle - Attorney General  
Wes Henderson - NACO  
William Cadwallader - Nellis Air Force Base  
Zip Upham - NAS Fallon

## Categorized Comments from Public Comment Letters

As described in **Section 2.2**, comments were categorized by subject. **Table B-1** explains the categories used in **Table B-2**, which contains the issues and concerns identified in the public comments above.

**Table B-1 Comment Categories**

<b>Code</b>	<b>General Issue Category</b>
ALT	Alternatives to Proposed Action (development or additional)
AQ	Air Quality
CR	Cultural Resources
CM	Cumulative Effects
HAZ	Hazardous and Solid Waste Materials
LUA	Land Use and Access
MIT	Mitigation, Environmental Protection Measures, Design Features
NAC	Native American Concerns
OOS	Out of scope
PA	Proposed Action
POS	General comment, positive, non-substantive
PRO	Process (comments referring to scoping or NEPA process)
REC	Recreation
SAF	Public Health and Safety
SOIL	Soil Resources
SOC	Socioeconomics
SSS	Special Status Species (plants and animals)
TRAN	Transportation
VEG	Vegetation (not including listed or sensitive species)
VR	Visual Resources
WLF	Wildlife (not including listed or sensitive species) and Wildlife Habitat
WTR	Water Resources

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
POS	I feel this process is taking way to long. I am willing to help Leon or any one that could use my help to speed this process up. Time is money for all the surrounding communities. Sherry Flynn [redacted phone number] (vice president of Silver Springs Chamber of Commerce) (Vice Chairman of Silver Springs-Stage Coach Hospital District) Local volunteer for the good will of all man kind. Thanks for this meeting – very informative.	1	1
LUA	In reviewing the materials provided for public information on the Comstock ROW application, I find them to be lacking one critical element. That is a detailed map showing the extent and boundaries of actual Public Land that would be affected or impacted by the Lucerne Haul Road. I am quite familiar with the Silver City - Gold Hill area having done some contract work in the area, and I am not aware of any significant parcels of undisputed Public Land which may be impacted. I believe a proper presentation of the Federal land position is essential to the process, so the public can make informed and relative comments including all of the available information.	2	1
LUA/ VR	One of the critical factors in the determination process according to the materials presented is Viewshed Degradation. In my opinion, presentation of affected public access points in the area would be a requirement to any valid review and assessment.	2	2
PRO/ CR	On behalf of the Comstock Historic District Commission (CHDC), I am responding to your letter of January 15, 2013 concerning the above noted project. The CHDC has no information regarding sensitive or unique resources within the project area. Nor do we know of any conflicts for the use of the American Flat Road/Lucerne Access as an exclusive use road. As the proposed road already exists and alteration to it, or its surroundings, other than resumed use for mine related transportation is not contemplated, the CHDC does not believe that it has any information about the proposed area that might assist you with your evaluation. This project does not appear to impact any structures as defined by NRS 384. As such it is entirely outside the purview and authority of the CHDC.	3	1
NAC	My hopes with this project initially focus on the respect due for the indigenous people of the pine nut range or the Paiute people and their neighbors the Washo.	4	1
CR	CMI should be knowledgeable and proactive with the protocols needed to finding Paiute and Washo artifacts, especially graves.	4	2
NAC	I also hope the those living near the site and road are protected and treated with respect and concern by CMI.	4	3
POS	This was a very well organized meeting and most of the field workers were very informative. Leon Thomas was excellent explaining my concerns. I had been very misinformed about some of this whole project. “To put it in a nut shell – This is a process – steps need to be taken – rules must be followed – plain and simple.” My husband and I was impressed with your meeting set up with the maps. Visuals are so helpful to simply a multitude of questions and answers. We thank you and do agree with your process. We will be attending future meetings.	5	1

**Table B-2 Categorized Scoping Comments**

<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
POS	<p>At the Lyon County Commissioners meeting in Yerington you stated that the BLM was interested in the culture of the area in which a haul road for the mining operation of Comstock Mining would impact.</p> <p>The culture for that area is to remove metal bearing rock (ore) from the ground. Another important tradition is to transport that ore to a processing facility to separate the metal from the rock. Any aid your office could be would help Comstock Mining to restore the culture of this area to its roots founded 150 years ago.</p> <p>The mining process and recovery process will also help bring jobs to the area so that taxpayers can provide you with a living so that you may protect the rights of the citizens.</p>	6	1
OOS	By the way, you mentioned that "public safety" was a main concern of yours. "Public safety" is found under the police powers retained by the State of Nevada under the Tnth Article of the Bill of Rights and should not be a factor in your decision. You have not the jurisdiction, being a Federal Agency.	6	2
LUA	As an off-road enthusiast, I am concerned about having crossing points available from the South End of American Flats to the Gold Hill area.	7	1
TRAN	Anything that will allow the Comstock Mining Co. to separate mine traffic from residential traffic should be vigorously supported and persued.	8	1
LUA	Please post a map illustrating ownership of the region around the ROW and mine operations.	9	1
ALT	See map comment on alternative road for public access and separation from haul trucks.	10	1
POS	Virginia City's economy is largely based on tourism. One of our most popular "Comstock Adventure" packages we sell at our Visitor Center is the Gold n Silver Adventure. This adventure focuses on mining – both past and present. Several hundred thousand visitors travel to VC every year. One of the routes to VC is SR 342. In my opinion, BLM should grant CMI approval to operate on public land.	11	1
AQ	I am a Civil engineer who works for a number of mining companies in Nevada, but I have no professional relationship with the applicant. Based on map review, I concur with the applicant's Proposed Action route as the shortest haul distance route available. A short, gently graded route will reduce emissions, fuel consumption, and will avoid a number of permanent structures along the current on-highway haul route.	12	1
SAF	I am also an avid bicyclist and runner who enjoys the roads around Virginia City. I can certainly tell you that anything which reduces traffic, particularly large-truck traffic on these roads will make them safer and more friendly to all uses, including the trucks themselves which barely have room within the current road width.	12	2
POS	For these reasons I personally recommend approval of the primary Proposed Action, and that BLM reject the Upper American Flat and Non-Federal options which would eliminate many of the benefits of the primary Proposed Action.	12	3

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
SAF	I think it is very important to keep the haul trucks off the highway as much as possible for safety reasons.	13	1
OOS	Mining is very important to Lyon Cty’s economic recovery. We need BLM to cooperate.	13	2
OOS	<ol style="list-style-type: none"> <li>1. Moving trucks onto a state or any other road is a bad thing.</li> <li>2. Mining is just one area that Lyon County use to get back on its feet. Jobs bring home sales and other retail businesses to our area.</li> <li>3. Mining will help add students to our classrooms in Silver Springs and other areas also.</li> <li>4. BLM and mining works as a team in other parts of the state why did you chose to cause this problem?</li> </ol>	14	1
POS	This – allowing Comstock to use the haul road – is a productive use of federal lands. Public lands should also be used for the economic well-being of neighboring communities. The taxes and royalties paid by the mining company will benefit the entire region. It is a “win-win”. The haul road is already in existence and the mine will protect the land and preserve the historic areas around it. Comstock Mining understands what is expected of them. Mining is still a major part of Nevada’s economy. We need to co-existing with the industry – not demonize it.	15	1
OOS	<p>I was exceedingly impressed by the degree of professionalism that was evident at the recent scoping workshop in Virginia City.</p> <p>The State of Nevada is among the lowest in recovery from cultural, social and economic problems that our nation has been suffering for about a decade.</p> <p>Whatever solutions can be implement 'at this time', should be considered with a minimum of haste.</p> <p>The State of Nevada is the people of Nevada. When one achieves, that success must and will necessarily have a positive impact on the rest of the community.</p> <p>The Comstock wasn't just a setting for a popular TV series. Between 1859 and 1875, tens of thousands of people succeeded in extracting three hundred million dollars worth of gold and four hundred million dollars worth of silver from two hundred and sixty miles of mine shafts that penetrated down beneath four thousand feet into the soul of our earth. In today's economy, that seven hundred million dollars worth of gold and silver would be worth approximately ten point seven billion dollars. And, yes, in the early 1880s, the mining companies, miners, factories and retail stores finally moved on, to the rest of the world, when it became less than cost-effective to keep digging under Virginia City.</p> <p>So, what happened to all that wealth? It moved on to corporate headquarters in various industries in San Francisco, Seattle, New York, London, Hong Kong, Germany, Caracas, Buenos Aries and ad infinitum. Yes, it established economies and a better quality of life worldwide. Cost effectiveness has returned to the Comstock.</p>	16	1

**Table B-2 Categorized Scoping Comments**

<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
TRAN/ SOC	To "amend an existing ROW to allow for the use of an alternative haul road across public land segments" would not only reduce any ancillary reduction in the quality of life among the local residents's community and for the transient visitors who have conveniently utilized Highway 342 for over a hundred years but would enable an economical ability to invest in jobs, equipment and the ability to create cultural, social and economic solutions that might not be possible without that access. The alternative haul road access across public land segments would enable a significant benefit not just to the mining companies and the local community and the state and has the potential to have a national and worldwide significance.	16	2
OOS	Also significantly, the time for action is now. Every mile that was not utilized yesterday and is not utilized today to its full potential cannot be reused tomorrow.	16	3
TRAN	Get the haul trucks off the highway.	17	1
POS	Let the mining co use the haul road.	17	2
POS	Regarding the ROW application for the "Lucerne Haul Road", I strongly urge you to approve this application so that mining can continue. It is important to reinstate the use of that haul road so that the haul trucks will not be forced to use Hwy 342 through Silver City, Nevada.	18	1
OOS	My grandmother's grandfather and grandmother came to Virginia City during Silver and Gold mining days of early Nevada. They were not miners, but designed and built buildings – including the Brass Rail with his name F. Ritter on the front! But mining was the provider for all the livelihood in the area. I propose that in 2013 we continue a common sense support to provide for Nevada economics. What better way to use public land!	18	2
POS	My grandmother's mother and brothers along with my grandmother and her sisters were raised in Virginia City. My father and mother were raised in Reno. My sisters, brothers and I were raised in Dayton. My sons and daughter live in Reno/Carson City area. On behalf of 6 generations of Nevadans, I encourage you to support the use of this public land for the good of the people of Nevada by approving this "Lucerne Haul Road."	18	3
OOS	Sadly when graduating from the University of Nevada Reno in 1979, there was absolutely no mining in Nevada. We had to move to Arizona to find work. Happily mining is back in Nevada. I propose that the BLM gladly support the use of our land for the economic welfare of Nevadans, no matter how recently they have arrived in our great state!	18	4
POS	Way past time for the mining trucks to be allowed to use the land supposing to belong to BLM to haul their ore.	19	1
POS	The existing haul road, originally created for mining, is a much better option for Comstock Mining to utilize in order to move ore than State Route 342. There appears to be very little needed in order to bring this road and it's connections up to a safe standard, and upgrades shouldn't make much impact on surrounding land or people.	20	1
SOC	As smaller trucks and private contracts are needed to move ore on 342, financial losses are then transferred to the county and the community in lost revenue from taxes and percentages of profit promised for environmental and historical improvements.	20	2

**Table B-2 Categorized Scoping Comments**

<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
POS	If a quick solution can be made, Comstock Mines and BLM need to work together and make it happen sooner rather than later.	20	3
TRAN	In addition, current tourism and commuter traffic, though being well managed, is being affected by the current haul trucks on 342. The haul road is a much better option to help CMI as well as the surrounding community toward a successful partnership.	20	4
POS	CMI has proven high ethical standards and stewardship. BLM works with many other mining companies throughout the state, and this is not an unusual request. What is unusual, is CMI's interest in historical preservation and revitalization in the area. Moving their operation to the Lucerne Haul Road will give even the road itself a responsible caretaker, and put it back to the use for which it was originally created.	20	5
OOS	We, the undersigned, are residents of the Gold Hill Corridor living along State Route 342 between the Mine and American Flat Road. We would like to be recognized as the individuals most impacted by Comstock Mining's use of SR 342 for hauling of material from the Lucerne/Billy the Kid Mine to the processing area in American Flat.	21	1
SAF	We want to strongly express our frustration with the current use of the road. Although Comstock Mining has done a good a job mitigating the disturbance and looking out for public safety, the trucks are a significant imposition to our everyday lives. The sooner Comstock Mining is allowed to use the Lucerne Haul Road, the better.	21	2
POS	We understand from the comments of a BLM official to the Storey County Commissioners that a temporary solution has been in the works for some time. Please do everything in your power to implement the solution immediately so that we may regain some peace-of-mind and enjoy our neighborhood without the noise, dust, and mud associated with the use of the road.	21	3
TRAN	We support the creation of a haul road that moves truck traffic away from regular vehicular traffic in the interest of public safety and enhanced operational ability for a valuable Northern Nevada employer and business.	22	1
POS	We believe that the "haul road" will create positive benefits for everyone involved and support the use of public land to benefit the greatest number of people possible.	22	2
POS	We support Comstock Mining's application to amend their existing right of way. It would benefit everyone to allow Comstock Mining to use Lot 51 and other BLM segments to move ore from the pits to the processing facility.	23	1
TRAN	Mining trucks should not have to be on St. Route 342 if there is a reasonable alternative.	23	2
SOC	Because of the huge economic impact to entire region, BLM should consider every option to enable Comstock to move forward.	23	3
POS	Amend the existing ROW to allow for use of an alternative haul road across public land segments.	24	1

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
OOS	<p>This letter is in response to your letter of January 15, 2013, requesting information concerning Comstock Mining’s proposed haul road.</p> <p>I believe that the Bureau of Land Management should transfer the ownership of all properties within the Comstock Historical District to Storey County and let Storey County manage the property. This would allow those people now paying taxes on property in the Historical District to get legal ownership instead of BLM claiming we do not own it when we are paying the taxes.</p> <p>I, as a property owner, have for a ten-year period been denied the right to construct a road on land that I continue paying Storey County taxes on. I know of fellow property owners who have constructed houses or portions of houses on land that BLM claims ownership of. They are paying taxes to Storey County for their houses.</p> <p>By BLM giving Storey County ownership to be passed on to the tax-paying property owners a lot of problems dating back to the 1860’s could be rectified.</p> <p>Up to now BLM has listened to a few vocal people and made decisions based on their input that was not in the best interest of the local populace. There was a Bill presented in 2012 then dropped that would have rectified this situation.</p>	25	1
POS	Their request should be approved without further delay.	26	1
OOS	<p>The land involved has no redeeming value to the majority of U.S. citizens. Comstock Mining or their predecessors have paid taxes on the land since the district was formed in 1859. When the first map was sent to Washington D.C. to be confirmed.</p> <p>I believe that the Bureau of Land Management should transfer the ownership of all properties within the Comstock Historical District to Storey County and let Storey County manage the property. This would allow those people now paying taxes on property in the Historical District to finally get legal ownership.</p> <p>I, as a property owner, have for a ten-year period been denied the right to construct a road on land that I continue paying Storey County taxes on. I and my fellow property owners who have constructed houses or portions of houses on land that BLM claims ownership are paying taxes to Storey County for their houses.</p> <p>Up to now BLM has listened to a few vocal people mostly based in Lyon County and made decisions based on their input, but not in the best interest of the Storey County populace.</p>	26	2

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
LUA	The Proposed Access and Haul Road Improvements within Sec 6, T18N, R21E, MDM located just east of Comstock Mining's Processing Plant Site will not have an effect or impact the operations of the the reconstructed V&T Railroad owned by the Nevada Commission for the Reconstruction of the V&T Railway (which includes the track in American Flat) as long as alternate access routes are provided.	27	1
LUA	The Railway will, however, need to continue to use the existing roadway system in American Flat to access the Track for maintenance and operational support purposes. Note that the most direct access to the Scales Siding and grade crossing uses the Lower American Flat Road from SR 342 to just east of the Plant Site, thence continuing on to Scales after diverging southerly from the current access/haul road.	27	2
LUA	Additionally, Railway personnel utilize the "Gray Road" which diverges northerly from the current access/haul road to the Donovan Siding vicinity above the American Flat "Water Tank."	27	3
LUA	Please refer to the Right-of-Way Plans prepared by NDOT to support the Phase 1 Railroad Reconstuction for a detailed depiction of what is referred to as the "South Access Road" theron. Additionally, please refer to the Right-of-Way Plans prepared by ManhardConsulting supporting the Phase 2A/2B Reconstruction which depict the "A3" Line running from the current access/haul toad to Scales.	27	4
LUA	Should the re-establishment of the historic "Amercan Flat Upper Road" be considered from the Gold Hill Cemetery to the "Water Tank" which will run adjacent to the railroad and will require fairly significant earthwork operations and grading, we would request to be consulted during roadway design to ensure that the reconstructed roadway does not physically confilct with or encroach within the railroad's "Clear Limits."	27	5
POS/ PRO	1) The BLM staff present a very concise and informative presentation of all the issues regarding the American Flat/Lucerne Road dispute. I better understand the process and ownership question. Thank you. 2) Since this is not a request for mining on BLM property, but for access to continue travelling on an existing road that is I believe in 90% private ownership, I still fail to see the need for such an enormous amount of time and govt. process to approve such an application. Your staff provided me the dispute between the surveys of BLM quadrants and age old mining maps and surveys are in opposition to one another, yet the haul trucks must continue on Hgwy 342 while wails of opposition to this necessity have been brought to bear by the same people who forced them there in the first place. I firmly believe the 1.1miles hauling forced onto Hgwy 342 will increase dramatically if this isn't solved efficiently at the BLM level. I also believe CMI has been very patient and cooperative in this matter. In addition, as a resident concerned with historic preservation efforts on the Comstock, I have noticed a dramatic drop in CMI contributions. Resolve this dispute and prove you are the prople, Solvers and not complicators.	28	1

**Table B-2 Categorized Scoping Comments**

<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
CR/ LUA	In general, the Right of Way (ROW) requested by Comstock Mining Inc. (CMI) is within a sensitive region in terms of both national historic significance and as a residential area. The granting of this ROW hinges on the compatibility of industrial scale mining within the region. BLM has stated in the scoping documents, “Comstock has not submitted to the BLM a plan of operations for mining on public lands. There is no proposal before the BLM to mine on public lands.” However, the proposed actions for the ROW are a component of industrial large-scale mining. Thus, the discussion in the EA and subsequent decision document will have broad implications for any mining operation in and around residential and/or historic districts.	29	1
PRO	BLM should revisit its decision to develop an EA instead of an Environmental Impact Statement (EIS). In order to fully assess cumulative impacts BLM will need to consider much of the current mining activities in the region. The special character of the region will require detailed evaluations of the level typically required in an EIS.	29	2
PRO	GBRW does not agree with the BLM that the best approach to garnering optimal scoping is through a poster session and short presentations with no group Q&A. The purpose of scoping is to cast a wide net so as to fully capture all aspects that should be analyzed in the development of the EA. While a one-on-one process with stations staffed by people with expertise is useful, the opportunity lost in this scoping process was for people to hear the questions and suggestions from others as to what to study in preparing the EA. It is common that ideas are triggered by the thoughts and questions of others creating a better collective process.  BLM should have an additional element to the draft EA “meetings” to allow for public discourse over this ROW. To have this kind of element to the public process requires patience and good facilitation. BLM needs to exercise maximum transparency and encourage the highest level of public discussion to fulfill the objectives of the National Environmental Policy Act.	29	3
WTR	Toxic runoff. The EA needs to assess the potential for degraded water runoff from the roads as part of the ROW. To do so will require an analysis of the minerals that are hauled, which will fall from the haul vehicles and react with precipitation and dust control water. At a minimum the analysis needs to include contaminant mobility testing and should include acid/base accounting. There is also the potential for toxic hydrocarbon runoff, which needs to be determined as well.	29	4
VEG	A complete characterization of the surface waters and springs that could be impacted by any toxic runoff will be needed as well.	29	5
WTR	Water use. BLM needs to examine the amount and source of water to be used in the construction and maintenance of the ROW and the source of this water. The source of maintenance water is critical to the proper evaluation of mobility tests.	29	6
VEG	Analysis of the potential loss of riparian areas is also necessary.	29	7

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<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
AQ	Hazardous Air Emissions. Analysis and mitigation of gaseous emissions (such as sulfur oxides, nitrogen oxides, and hydrocarbons, etc.) from the haul vehicles is needed.	29	8
AQ	Greenhouse Gases. In light of pending regulations on carbon dioxide (greenhouse gas) releases, the EA should analyze the project's contribution to carbon dioxide and other significant greenhouse gas emissions.	29	9
AQ	Particulates. The expected amount of airborne particles as dust or diesel vehicular emissions from all aspects of the ROW needs to be determined with concentrations for varying wind factors. Impacts of the "dust" should be evaluated for inhalation health impacts, visibility impairment, and resettling on surface water and vegetation. In the case of resettling on surface water there should be a chemical analysis of the dust to determine whether the dust could have an adverse effects on the chemistry of the water. In general, there needs to be a plan for dust control.	29	10
WLF/ VEG	Flora and Fauna. A full inventory of the loss of plant and animal species, examining both estimated numbers and specie variation needs to be done as a result of land disturbance, and hauling operations.	29	11
SSS	In addition according to the 2006 Scorecard of the Nevada Natural Heritage Program <sup>1</sup> there have been citings of rare and at-risk plant and animals in the Virginia Range, see Figure 1. This map is not high resolution and the document does not clarify which plants and animals pertain to the citing locations on the map. BLM, if it has not already done so, should follow up on these citings to determine which plants and animals are referred to here and how the mine project will impact them, and what mitigation is possible to avoid these impacts.	29	12
WLF	Migratory species. An understanding of any specie migratory routes needs to be resolved, and the impacts of the loss of these migratory routes from the various land disturbances should be addressed.	29	13
VR/ CR	Viewshed. There also needs to be an analysis of whether the loss of scenic views will affect economic, historic, and ecological viability of the area. In particular, is the unique character of the region with historic aspects as well as rural residential visual aspects.	29	14
HAZ	Carson River Mercury Site (CRMS). Portions of the ROW overlap with both moderate and high risk zones containing "Contaminants of Concern" as identified by the US Environmental Protection Agency and the Nevada Department of Environmental Protection. Figure 2 roughly illustrates the overlap with the CRMS risk zones. Clearly the ROW passes through zones of moderate and high risk. The EA must address impacts to the CRMS and delineate a clear mitigation plan to protect public health.	29	15
CR	The project area must be surveyed for historical and archeological artifacts	29	16
MIT	mitigation plans must be developed for any of these sites.	29	17
NAC	The BLM must analyze the cumulative impact to the ability of Native Americans to fully practice the traditional religions within the study area. The analysis must include both known sacred and spiritual sites as well as traditional food and medicine gathering, important components of traditional practice.	29	18

**Table B-2 Categorized Scoping Comments**

<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
CM	The EA must also examine how the various impacts of this ROW will add to the collective impacts of other historical and ecosystem disturbing projects in the region. In particular, the existing large-scale mining activities. For example, could emissions due to this ROW when taken together with other emission sources in the region result in exceedence according to the Clean Air Act. Or, does the ROW disturbance further impair the regional ecosystem resulting in seriously threatening fauna and/or flora. The cumulative impact analysis needs to address cultural traditions and the historical character of the area as well.	29	19
CM	BLM must evaluate all current and potential for future mining and other projects and how the character of the region would be affected.	29	20
MIT	A mitigation plan needs to be developed for public review that will preserve the environmental, cultural, and historical character of the region.	29	21
PA	There is an inconsistency in the amount of ore to be hauled on page 3 of the PoD, which states, “The anticipated volume of material to be transported on this exclusive haul road would be more than 1,000,000 tons per year ...” Further down it is stated “...haul road between the pit and the process facility the hours of operation would be 24 hours per day, 7 days per week. It is expected that 50-60 ton haul trucks or 40 ton articulated haul trucks would be used for ore haulage. There would be approximately 150 truck cycles per day.” A simple calculation show that at this level of hauling more like 2 to 3.5 million tons or ore per year would b e hauled on the ROW. BLM need to clarify the amount for an good analysis of impacts.	29	22
CR	The national concern for the protection and preservation of the cultural resources exemplified by the Comstock mining area led to the designation of the Virginia City National Landmark Historic District on July 4, 1961 under the Historic Sites Act of 1935. The proposed EA concerns a haul road right--of--way that lies within the boundaries of the VCNLHD. The VCNLHD is listed as “endangered” by the National Park Service (NPS) because surface mining has adversely affected the setting and historic properties of the district (Barker1988:28). Therefore, it is essential that all proposed projects that will affect any cultural resource of the district receive comprehensive review and consideration. In this context, we submit the following comments and suggestions regarding the proposed CMI ROW EA.	29	23

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
CR	<p>Potential direct and indirect impacts resulting from the proposed action will enable the expansion of an intrusive contemporary surface mining operation within a National Historic Landmark (NHL) that is contrary to the purposes of the National Environmental Protection Act (NEPA), the National Historic Preservation Act (NHPA) and contrary to established federal public policy. All direct and indirect impacts to the Landmark District must be identified within a broad context. At a minimum, all impacts to the historic landscape, the built environment, the local culture and custom, long-term economic viability of tourist-related businesses, and the historic integrity of the district as a whole must be systematically analyzed. The 2001 Carson District Resource Management Plan (RMP) states under Cultural Resources --- Standard Operating Procedures: <b>“Cultural resources are preserved and protected on public lands; the BLM must ensure that proposed land uses, initiated or authorized by BLM, avoid inadvertent damage to cultural resources on both federal and non-federal lands.”</b> (emphasis added)</p>	29	24
CR	<p>Regarding cultural resources, the present EA scoping document refers only to Sect. 106 of the NHPA. However, the project is located within a National Landmark District. Since Sect. 110 (f) of the NHPA relates specifically to National Landmarks, the language of Sect. 110 (f) should guide the EA process. Additionally, Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94--429), Section 8 of the National Park System General Authorities Act of 1976, and provisions of the National Historic Landmark program at 36 CFR 65 should be considered.</p>	29	25
CR	<p>Cumulative effects are not addressed in the scoping document, although cumulative effects of surface mining are cited by NPS in the endangered status of the VCNHLD and by Barker (1988). The Council on Environmental Quality regulations for implementing the NEPA define cumulative effects as “the impact on the environment which results from the incremental impact of the action when added to other past, present, and foreseeable future actions regardless of what agency (Federal or non-federal) or person undertakes such other action (40 CFR 1508.7).” The proposed ROW will link CMI mining site(s) and processing facilities with a linear landscape feature of significant proportion. A foreseeable impact of the constructed ROW would be the introduction of a road 87 ft. wide designed to accommodate 50-ton haul trucks. The terrain in numerous segments of the ROW is very steep. An 87 ft. wide roadbed coupled with associated cuts and fills will result in substantial land disturbance. Given the stated intentions of CMI to use the ROW to transport up to a million tons of ore annually from their existing holdings (both patented and unpatented), the foreseeable impacts to the historic landscape will be significant. A consequence of the proposed ROW will be a distinctly modern landscape essentially truncating the historic district. BLM must be prepared to evaluate the effects of such an action in light of NEPA requirements.</p>	29	26

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
CR	The proposed Area of Potential Effect (APE) for the EA scoping document is deficient. The APE currently does not consider the potential impacts of the project to the NHL as a whole. The boundaries of the VCNLHD should be used as the APE. Additionally, The New Calidonia Shaft, the Keystone Shaft, the Dryson Mine, the Overman Mine, the Gold Hill Masonic Cemetery, and the Gold Hill Catholic Cemetery are known historic sites within the APE; these may sustain direct or indirect effects as a consequence of proposed road construction and utilization of the ROW.	29	27
VR	The EA scoping document recognizes the presence of “Visual Resources” but does not carry the issue forward claiming visual that resources are “not affected.” This rationale is based on visual resource classifications contained in the 2001 Carson District RMP. Because no Historic American Landscape (HALS) inventory exists for the VCNLHD, visual resources classifications in the 2001 RMP are inadequate. With the update of the Carson District RMP currently underway, it is anticipated that visual resources in the VCNLHD will receive more comprehensive consideration. Barker (1988:29) notes the importance of landscape and viewsheds in the VCNHLD, noting in particular the degradation of the viewshed through Gold Canyon that has continued unimpeded since his study. The EA scoping document should address visual resources in a comprehensive fashion. A HALS survey should be completed prior to any decision--making regarding visual resource impacts (Barker 1988:31).	29	28
LUA	The EA scoping document (Category II, Other Resources) recognizes “Minerals” as a resource or issue present but claims “No impacts to mining claims are expected”. The EA scoping document contains only limited information regarding the land status of properties within the project area. Reviewers are hampered by this lack of information. A full understanding of land ownership status is essential for proper review. BLM should provide the public with full and complete land status information regarding the project and allow adequate time for review and comment prior to closing the public comment period.	29	29

**Table B-2 Categorized Scoping Comments**

Code	Comment	Letter	Comment
OOS	<p>The CMI ROW EA scoping document is of high concern to residents of the VCNLHD and is politically contentious. The recommendations for effective management and protection of the Landmark that Barker (1988) identified have been ignored or imperfectly implemented on every level. The failure of government agencies to act responsibly has led directly to active open pit mining which continues to cumulatively degrade and adversely affect the VCNHLD. A process to create a Programmatic Agreement (PA) or Memorandum of Agreement (MOA) with input from CMI, local, state and national agencies as well as members of the public and residents of the District should be initiated. Stakeholders should include the BLM, the Nevada State Historic Preservation Office (SHPO), the Comstock Historic District Commission (CHDC), Storey County Commissioners, Lyon County Commissioners, the National Park Service (NPS), the Advisory Council on Historic Preservation (ACHP), the Comstock Residents Association (CRA), and the general public. The resulting PA or MOA would guide the investigation and methodology used in identifying all potential effects and all potential mitigation measures during development of the EA.</p>	29	30
REC/ TRAN	<p>A segment of the ROW is identified and designated for physical traffic separation between haul truck and local traffic. The location of this separation appears to accommodate and provide safety for local traffic to residences located to the north and west of the processing facility. Recreational use of this road section should also be considered. The physical road separation should be extended westerly to the point where the road leading to the American Flat Mill intersects the ROW. 4 Significant recreational traffic occurs on this road providing access to the American Flat Mill site and the general area of American Flat. The ROW design should accommodate the safety of recreational users as well as local residents.</p>	29	31
ALT	<p>Among the options listed by CMI in their draft ROW Plan of Development (POD), option 4 assumes as fact that CMI has legal authority to utilize State Route 342 for the purpose of hauling ore. This is not true. For nearly a decade CMI was prohibited from using SR 342 by the terms of its Storey County Special Use Permit. Storey County recently reversed its long--held legal opinion and stated that it lacked the authority to impose such a condition. However, in a lawsuit currently pending against CMI and Storey County challenging this conclusion, the Judge assigned to the case disagreed and stated that the County in fact had land use authority to impose such a condition. Since it is reasonably foreseeable that CMI cannot use SR 342 as a haul route, CMI's use of the ROW will directly facilitate its mining operations. BLM therefore must assess the true impact of the proposed ROW and may not limit the scope of EA to just the ROW but must also examine the mining operation the ROW facilitates.</p>	29	32

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<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
ALT	The BLM scoping document Figure 5 (CMI POD figure 8) delineates an area south of Silver City on non-federal land as a location for a processing facility. A number of State of Nevada permits as well as a Lyon County Special Use Permit are required prior to the construction of a processing facility at this location. CMI would face a lengthy permitting process with numerous agencies, the outcome of which would be uncertain. BLM should not consider this option viable within the context of this EA process.	29	33
LUA	Although the BLM Land Use Planning Handbook H-1601-1 page 4 states "...BLM should consider existing plans of Tribal, state, and local governments and other Federal agencies", the EA scoping document fails to reference the information and data contained in the Storey County Master Plan, particularly Part II (see: <a href="http://www.storeycounty.org/planning/master_plan.asp">http://www.storeycounty.org/planning/master_plan.asp</a> ). The Storey County Master Plan includes information on the identification, preservation, protection, and recommended management strategies for the cultural resources of the historic district and land sensitivity maps relating to viewsheds, landscape features archeology, settlement patterns, etc. The Storey County Master Plan is a legal document containing adopted policies and practices. The BLM should review and consider the goals, policies, and management strategies regarding cultural resources contained in the Storey County Master Plan.	29	34
PA	CMI states in their ROW POD that the current expected life span of their mining and processing facility is 10 years. However, CMI representatives applied for certificates of appropriateness from the CHDC for mill structures stating a mining project lifespan of 5 years.	29	35
CR	The publicly-stated short-term project life of CMI must be weighed against the long-term consequences of further degradation of the cultural resources of the VCNLHD.	29	36
SOC	The BLM should address the economic sustainability of cultural tourism in the VCNLHD in contrast to the short-term 5 economic model represented by the CMI project.	29	37
CM	The issuance of the ROW could further contribute to the already identified adverse cumulative effects from modern mining practices within the VCNLHD (Barker 1988).	29	38
SOIL	The EA scoping document fails to reference the fact that the proposed ROW is located within the Carson River Mercury Superfund Site (CRMS). CMI is currently required by the Nevada Department of Environmental Protection (NDEP) to perform sampling and testing for the presence of specific Contaminants of Concern (COC) on any land that has been or will be disturbed. It is imperative that BLM coordinate with NDEP to assure that no COC will be released into the environment with the potential to affect the health of residents, visitors and employees of CMI.	29	39

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<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
PRO	The EA scoping document fails to consider the language in the 2001 Carson District RMP regarding minerals management. The EA scoping document states that the ROW application "... does not involve mining taking place on privately---owned lands; ongoing mining in the Billy the Kid and Lucerne pit areas." The mining activities of CMI cannot be separated from the ROW and still comply with NEPA requirements. The NEPA process provides for an EA and/or an EIS. The BLM position that only an EA is necessary for the processing of the ROW application results in significant cumulative effects to public and private lands as yet untouched but slated for future mining by CMI. CMI's refusal to submit a Plan of Mining Operations to BLM is an attempt to dodge NEPA responsibilities.	29	40
CM	The project has a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. Although the right of way is a small portion of BLM land, granting a ROW to enable ore haulage from an existing or future pit to the mill site has a high level of consequence, enabling extensive present and future mining activities that could degrade air, water and historic resources.	29	41
CR	The project significantly affects natural resources and unique historic and cultural resources. All of CMI's holdings are located within the VCNHLD. Granting the ROW will create, quite literally, a path to the destruction of the Landmark and result in the deterioration of landscapes infused with historic relevance.	29	42
WTR	the ROW will enable the degradation of ground water at the CMI mill site that is located in a basin, within 200 feet of the headwaters of a stream that is a "Waters of the United States" (33 U.S.C. §1251 et seq. (1972), and possibly near wells. BLM should consult with the Corps of Engineers and consider an EIS based on the threat to water quality.	29	43
SOIL	The project has potentially significant environmental effects and involves unique or unknown environmental risks. CMI holdings are located in the Carson River Mercury Superfund Site. Mercury can be absorbed through the skin and as elemental mercury vaporizes, the vapors present an inhalation hazard. Because CMI's mining activities disturb toxic soils via hauling, drilling, crushing and blasting, BLM should consider the potential for enabling negative environmental impacts as a direct result from the use of the ROW haul road by CMI.	29	44
LUA	If the ROW is granted as proposed, the remaining public property in several of the parcels will be isolated and degraded, effectively destroying any future use or value of the remaining property to the public. The BLM should carefully consider this consequence.	29	45
CR/ MIT	Certain identified historic resources exist on these parcels. The isolation of these historic resources on small parcels amidst a landscape radically reshaped by contemporary mining activities deprives them of any real historic context. Careful and substantial mitigation measures need to be considered in the EA regarding this issue.	29	46

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Code	Comment	Letter	Comment
PRO	Granting construction and use of the ROW will have effects far beyond its narrow corridor. One only needs to consult the CMI web site to find that the ROW is merely one small element in a plan to extensively mine the heart of the VCNHLD. Because of this much broader goal, we believe that an environmental impact study should be required.	29	47
PA	CMI indicated in the BLM ROW application they had received a reclamation permit from NDEP and posted a bond. The permit is #0196. It should be noted in their application for this permit they listed Lot 51 as owned by CMI not BLM. The information used to obtain the permit was incorrect and so NDEP issued the permit with the understanding that Lot 51 was private land. BLM should inform NDEP of this discrepancy and if public lands were not properly included in the reclamation fees or BLM was not consulted, this should be remedied.	29	48
PRO	The NPS has a program known as “Planning, Environment & Public Comment” (PEPC) for the review of projects with environment consequences, including those which contain issues relating to historic preservation. The BLM should explore the potential of inviting the NPS in initiating a similar program for the VCNLHD.	29	49
PRO	The BLM should invite The Udall Foundation: U.S. Institute for Environmental Conflict Resolution to become involved with this project.	29	50
POS	This is to encourage you to grant a haul road right-of-way for Comstock Mining so it does not have to continue to use Rt. 342. I am a member of the Dayton Chamber of Commerce Board and, as such, have a vested interest in the success of Comstock Mining when it comes to tax revenue for Lyon County. The company is our biggest hope for job creation and a better life through taxes collected. By granting the company the ROW, you help Lyon County in general and Dayton, in particular. Thank you for allowing me input.	30	1
OOS	The management of “Public Land”, especially in Nevada is always a concern for civic minded people. <u>However the proper use of “Public Land” is vital to the commerce of Nevada, our country and foreign investment.</u>  Currently I am on two committees at NNDA (Banking & Finance and Professional Development) and a past President of the Dayton Area Chamber of Commerce: today I am on their advisory board. My wife and I have owned several businesses over the years and we have been honored with three Governor Awards for Economic Development in Nevada. We have always enjoyed citizenship and the opportunity to participate in civic concerns.	31	1
POS	Comstock Mining Company is civic minded and has a proven track record of saying what they are going to do and doing what they say. They have accountability and live up to their agreements. I feel they will certainly operate with integrity when they use the “Public Land”. I recommend they be granted permission.	31	2

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<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
REC/ LUA	NASTR's Virginia City 100 was directly impacted in 2012 by the haul road used by Comstock Mining. While we were given permission from Comstock Mining to use the haul road last year, it was unsafe for horses and riders because of the fencing and the drop off, which meant there was nowhere for riders to go when a truck came by. It is noted that there was an effort made by the BLM and Comstock Mining to allow for non-motorized access to American Flat by providing openings in the fencing. However, the fence openings were not wide enough for horse and riders to pass. So we are asking that in the new haul road there be crossings which are wide enough for horse and rider teams to use. Or, perhaps the engineers would put gates in the fencing that we could open and close.	32	1
REC/ LUA	In summary, the haul road does indeed impact use by NASTR. We feel this impact could be remedied with openings wide enough for horse and riders to pass through, or gates put in place to allow crossing of the haul road in a safe manner. NASTR representatives are willing to meet with the Comstock Mining and the BLM to show where our access has been impacted, although the BLM has our trail in their GPS files which shows the exact location of our access. We are also ready to volunteer our time and effort in building access. This is an access NASTR has used for many years, and we hope to be able to continue our mission of trail preservation.	32	2
POS	We do not believe that use of the proposed alternative haul road would cause any negative environmental or cultural issues for the citizens in the immediate or county-wide areas.	33	1
TRAN	Removing the heavy truck traffic from State Highway 342 will prevent further pavement damage and eliminate the need for constant pavement clean-up.	33	2
AQ	Use of the haul road would also eliminate the need for Comstock Mining to handle all of the ore twice, thereby reducing the additional dust and environmental concerns.	33	3
POS	We would like to see the Bureau of Land Management grant Comstock Mining use of the existing haul road. The sooner this takes place, the better it will be for the entire community---the residents, the tourists, and for the mining company.	33	4
ALT	<p>The Non-Federal Alternative according to the map presented at the workshop appears to consist of using Highway 341/342 from the Lucerne Pit through Silver City as a haul road, and the construction of a process facility at the northern end of Spring Valley.</p> <p>The potential effects of using the state highway, which is also Main Street in Silver City, as a haul road are almost incalculable. They range from safety issues to disruptions of daily life by noise, dust, and traffic congestion, and potential damage to historic and non historic buildings. I would like to point out that Comstock Mining Inc.'s current use of State Route 342 between the Lucerne Pit and American Flat Road provides ongoing, tangible evidence of the effects the Non-Federal Alternative would have on Silver City. My first suggestion to BLM would be to immediately begin monitoring this use, paying close attention and</p>	34	1

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	<p>measuring the amount of truck traffic, hours of operation, noise levels, dust and mud, traffic impediments, road damage, and damage to nearby historic structures. You might also gather input from local residents unfortunate enough to be living near the highway regarding effects on their lives.</p> <p>1. Just a few of the safety issues BLM might examine along the Non-Federal alternative in Silver City are:</p> <p>a. The porch of one of the buildings alongside the highway in Silver City serves as the school bus stop. About a dozen children, from grade school to high school age, are picked up and dropped off here every day. Of special concern, the bus stop is on the west side of the street meaning many of the children would be crossing through truck traffic getting to a from their homes on the east side of the street.</p> <p>b. The Silver City Post Office parking lot fronts onto Main Street. Postal customers are constantly turning from the highway, and backing out onto it, as they use the post office.</p> <p>c. The one small business in Silver City also fronts on Main Street. It is dependent upon customer’s easy and safe access from the highway. d. Any Silver City residents wishing to travel to Carson City, or take State Route 342 to Virginia City must also use the same roadway the haul trucks would be using.</p> <p>2. Silver City is a quiet, residential community. BLM needs to examine the potential effects industrial-scale use of the highway would have on the quality of life in Silver City, including basic elements like peace and quiet, dust, mud, and traffic congestion.</p> <p>3. Vibrations from the haul trucks would damage a number of historic structures along Main Street. BLM should conduct a complete historical architectural inventory of potentially affected buildings and asses the possibility of damage to them. (The effects of haul truck traffic on a historic structure is currently being demonstrated along Highway 342 just north of the Lucerne Pit. Vibrations from traffic are causing the collapse of a historic wooden retaining wall.)</p> <p>With respect to the planned process facility, I hope BLM takes into account a number of the same concerns regarding noise, dust, activity, and other aspects of the operation that would greatly impact the quality of life in nearby Silver City. In addition, this particular area of Spring Valley was the setting for some of the earliest mining activity on the Comstock, as well as more recent mid-twentieth century mining.</p>		
WLF	<p>At this time NDOW has no wildlife concerns with this project. However, NDOW would like to recommend established speed limits on this haul road to help reduce wildlife vehicle conflicts. NDOW is recommending a 25 mile per hour speed limit during daylight hours and a speed limit if 15 miles per hour during non-daylight hours. The reduced speed limit during non-daylight hours is to further reduce wildlife vehicle conflicts as wildlife is more active during non-daylight hours.</p>	35	1

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<b>Code</b>	<b>Comment</b>	<b>Letter</b>	<b>Comment</b>
ALT	The use of Highway 342 between Gold Hill and Silver City in Storey County, Nevada is in my opinion a bad idea. This kind of use has an effect on public safety as well as causing a lot of wear and tear on the highway surface.	36	1
ALT	Although the operation of the big trucks and the precautions the drivers take are keeping the situation in hand there will be mishaps involving the public. It is not a matter of "if" but "when." Quite a bit of dirt falls from the trucks as they enter the highway and there is a street sweeper trying to keep it cleaned up but I've experienced a very slippery situation when rain or snow is added to this dirt. The longer the trucks run the bigger the chances are of an accident happening. Is this necessary? I don't think so. The stretch of highway being used is taking a real beating. There are more than half a dozen places along the right hand edge of the roadway where dips are forming, some of them almost potholes. This kind of overuse will cost the tax payers money to be repaired. Not to mention the major inconvenience of having to wait with a flagman while being fixed.	36	2
POS	The most practical way to solve this problem would be to have the trucks run on the dirt haul road they were initially using regardless of the impact on areas that are not being used for anything else. Designated haul roads can be maintained by the mining company itself without public safety issues as well as not having to use public monies.	36	3
TRAN/ SAF	My concern is the local and tourist vehicles making their way to Virginia City. The traffic is heavy. V.C. is an attraction. They have parades and cater to locals and tourist. The road should be safe for us without having heavy equipment or trucks in our path. Comstock Mining should be allowed to have a safe road for business.	37	1
n/a	No comment written.	38	1
PRO	The SHPO supports the proposed undertaking and the Bureau of Land Management's efforts to consult with the public who may have concerns about the effect of the undertaking on historic properties. It might be helpful for the Bureau of Land Management to indicate if this is the public's opportunity to comment on the Bureau of Land Management's consultation with Section 106 of the National Historic Preservation Act. The SHPO will await the consultation with our office as proposed in the document.	39	1
PA	For any permanent and/or temporary work performed within the state right of way, a permit will be required from the District II permit office.	40	1
PA	The Nevada Division of Environmental Protection (NDEP) - Bureau of Water Pollution Control (BWPC) - does not have any comments regarding E2013-120 Scoping - EA American Flat Road/Lucerne Access R-O-W, Nevada Please note that the entity who manages this E2013-120 Scoping - EA American Flat Road/Lucerne Access R-O-W project may be subject to BWPC permitting associated with any of its discharges – including, but not limited to but not limited to storm water, working in waters, well development, wastewater, Diminimis, UIC, and domestic sewage discharges.	41	1