

Draft Plan of Development

for the American Flat Road/Lucerne Haul Road
Right-of-Way Amendment
(NVN 091237)

Prepared by

Comstock Mining, LLC

Originally Submitted August 2012

Revised November 2014

Draft Plan of Development

Comstock Mining, LLC

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Table of Contents

1 Purpose and Need for the Facility	1
a. What Will Be Built	1
b. What Is Its Use.....	1
c. What Is Its Size	1
d. New Construction, Re-construction, or Improvement.....	2
e. Temporary or Permanent	4
f. Ancillary to an Existing ROW	4
g. Type and Volume of Traffic	4
h. Season of Use.....	4
i. Origination and Destination of the Road	4
j. Alternative Routes	4
2 Right-of-Way Location	5
a. Legal Description.....	5
b. Maps Tied to Section Corners and Drawings	5
c. Road Cross Sections, Plan and Profiles	6
3 Facility Design Factors.....	6
a. Minimum and Maximum Engineering Standards.....	6
1) Construction Standards	6
2) Maximum Grade and Pitch	6
3) Requirements and Location of Drainage Facilities.....	6
4) Road Surfacing.....	6
5) Length and Width of Road.....	6
6) Cut Fill Diagram	6
b. Detailed Engineering Plans for Major Structures	6
c. Temporary Use Areas	7
d. Areas of Special Consideration.....	7
1) American Flat Road – Near State Route 341	7
2) American Flat Road Adjacent to Lucerne Mine Haul Road.....	7
3) New Curve on American Flat Road.....	7
4) American Flat and Lucerne Mine Haul Road Intersection	7

5) Variable Work in the Wedges	7
4 Additional Components	8
a. Existing and Proposed Components On and Off Public Land.....	8
b. Need for Sand and Gravel.....	8
c. Location of Equipment Storage Areas	8
5 Government Agencies Involved	8
6 Construction of the Facilities	9
a. Construction Description	9
b. Work Force	9
c. Flagging or Staking of the ROW	9
d. Clearing and Grading	9
e. Facility Construction Data	10
f. Access To and Along ROW During Construction.....	10
g. Contingency Planning.....	10
h. Safety Requirements	11
i. Industrial Wastes and Toxic Substances.....	11
j. Seasonal Restrictions on Various Activities.....	11
7 Resource Values and Environmental Concerns	11
8 Stabilization and Rehabilitation	11
a. Soil Replacement and Stabilization	11
b. Disposal of Vegetation Removed	12
c. Seeding Specifications	12
d. Fertilizer.....	12
e. Limiting Access to ROW	12
9 Operation and Maintenance.....	12
a. Minimum Maintenance and Schedule	12
b. Placement of Control, Warning and Directional Traffic Signs	13
c. Maintenance of Special Needs.....	13
d. Safety	13
e. Industrial Wastes and Toxic Substances.....	13
f. Inspection and Maintenance Schedules	13
g. Work Schedules	13
h. Fire Control.....	13

i. Inspections	14
j. Contingency planning	14
10 Termination and Restoration.....	14

List of Figures *(see project website)*

- Figure 1: Project Location
- Figure 2: Proposed Action
- Figure 3: Detail Showing Public Land Wedges
- Figure 4: Detail of Current and Proposed Alignments
- Figure 5: Typical Parallel Road Cross Sections
- Figure 6: Typical Road Cross Sections
- Figure 7: Signage Plan for American Flat Road
- Figure 8: Signage Plan for Lucerne Haul Road
- Figure 9: Signage Legend
- Figure 10: No Action
- Figure 11: Non-Federal Option

1 Purpose and Need for the Facility

Comstock Mining, LLC has prepared this Draft Plan of Development (POD) at the direction of the U.S. Department of the Interior, Bureau of Land Management, Carson City District, Sierra Front Field Office (BLM) to accompany the amendment application for Right-of-Way (ROW) Grant NVN 091237. The Project Area is shown on Figure 1.

a. What Will Be Built

Comstock Mining, LLC has applied for an amendment to ROW Grant Authorization NVN 091237 for the improvement of existing roads to facilitate the transportation of mined ore between the Lucerne Mine and the ore processing facility for approximately 10-years and the construction and improvement of non-exclusive road segments to facilitate access to public land (Figures 2 and 3). Portions of a user-created road leading south to the American Flat Mill would also be reclaimed as part of this Proposed Action.

b. What Is Its Use

Currently, Comstock Mining, LLC is hauling ore from the Lucerne Mine and onto the south section of the American Flat Road. Mine-related traffic is also traveling north from Lucerne Mine onto State Route 342 to the north section of the American Flat Road. All current use of the roads is by highway-rated vehicles. Currently, the roads are open and available for public use and as access for private residences (Figure 10). In order to ensure public safety, Comstock Mining, LLC proposes to have exclusive use of the Lucerne Haul Road (Figure 4). The American Flat Road would be realigned in one segment for public access. This would separate public traffic from exclusive use haul traffic (Figure 5).

c. What Is Its Size

The proposed amended ROW consists of a 300-foot wide corridor for the Lucerne Haul Road and a 200-foot wide corridor for the realigned and existing portions of American Flat Road. All authorized actions would take place within the proposed amended ROW (Project Area). The ROW authorization would only apply to public land portions of the Project Area. Proposed disturbance within the Project Area associated with the Project features is described below.

The total number of acres within the Project Area is approximately 85.9 acres, with 61.2 acres on public land and 24.7 acres on private land. For the purposes of calculating acres, Gold Hill Townsite Lots 33 and 35 consisting of the White House lots patented from December 1872 (Block 8, Range D, Lot 35) and February 1873 (Block 8, Range D, Lot 33 (Whitney house lots) are considered as private lands. Figure 3 illustrates the location of these planned road improvements. As part of the Proposed Action, there would be up to 69 acres of surface disturbance within the Project Area. Approximately 39.3 acres of surface disturbance would occur within the Project Area on land that has been previously disturbed, with approximately 16.5 acres on public land, and approximately 22.8 acres of surface

disturbance on private land. Additionally, approximately 27.8 acres of surface disturbance would occur on public land that has not been previously disturbed and approximately 1.9 acres of surface disturbance would occur on private land that has not been previously disturbed. Due to avoidance areas for sensitive resources, the actual extent of the disturbance is anticipated to be less.

Surface disturbance associated with decommissioning the user-created road would include approximately 2.4 acres of reclamation on public land.

d. New Construction, Re-construction, or Improvement

“Cemetery Spur Road” and American Flat Road near State Route 342

The Cemetery Spur Road and the north section of the American Flat Road would be accessible by the public with highway-rated vehicles and off-highway vehicles (OHVs). These are existing roads and are in variable states of repair. The American Flat Road is approximately 6,140 feet long and approximately 30 feet wide. The proposed ROW would extend along the realigned American Flat Road for 6,250 feet (200 feet in width) for a total disturbance area of approximately 28.7 acres. Comstock Mining, LLC proposes to improve the north section of the American Flat Road, as well as a portion of the Cemetery Spur Road, adjacent to the Gold Hill (Masonic) Cemetery, by widening the American Flat Road to improve sight distances for safety (Figure 2). In order to avoid impacts to the cemetery from Project-related traffic on the American Flat Road, Comstock Mining, LLC proposes to construct two walls. One wall would be constructed east of the Cemetery Spur Road and would measure up to six feet in height and approximately 260 feet in length. The other wall would be constructed southeast of the cemetery and would measure up to seven feet in height and approximately 750 feet in length. The walls would be constructed to avoid any areas with sensitive resources and be constructed out of native rock from the Lucerne Mine. To accommodate the walls, the side slopes of the road in these areas would be adjusted to a 2:1 slope. These walls would be constructed within the width of the proposed ROW.

American Flat Road Adjacent to the Lucerne Haul Road

For public safety, public and haul traffic would be completely separated by utilizing a new alignment of the American Flat Road. Public traffic would use the realigned American Flat Road as shown on Figure 4. Where the public access road (American Flat Road) and Lucerne Haul Road would be adjacent, the two roads would be on different elevations and would be separated by a buffer strip (Figure 5). The new alignment is located directly north of the existing road and serves as a natural location to reroute the American Flat Road. Figure 6 illustrates a typical cross-section of the American Flat Road and the Lucerne Haul Road.

American Flat Road and Lucerne Haul Road Intersection

A new curve on the realigned American Flat Road would facilitate public traffic turning south headed towards the American Flat Mill area. The curve would follow the same typical cross section and would match the design criteria of the public access road.

The existing road heading south from this curve would be improved and where it nears the Lucerne Haul Road, it would be realigned to the east. The intersection currently lies at an angle and does not allow good sight distances. The realignment would make the intersection approximately perpendicular and move the intersection away from the entrance to the mine processing area. The new configuration would allow for improved sight distances for the public and haul traffic. The north approach of the American Flat Road near the entrance to the processing facility on private land would be moved to the east to align with the south portion of the American Flat Road at the intersection with the haul road. Signage would be placed at the intersection to control the flow of traffic (Figure 7). Haul traffic on the Lucerne Haul Road would be required to stop at this intersection, while public traffic on the realigned American Flat Road would not be required to stop (Figure 8).

Lucerne Haul Road

The Lucerne Haul Road is approximately 5,804 feet in length (from the mine to where it meets with the American Flat Road just west of Lot 51). The Proposed Action on and off public land on the Lucerne Haul Road would extend the road to approximately 8,122 feet in length (from the mine to the processing facility) and 300 feet in width. The Lucerne Haul Road would be improved to include five-foot tall berms on the outside, as required by the MSHA. The berms would accommodate haul trucks or articulated haul trucks. The running surface of the road would be approximately 42 feet. If haulage equipment changes in the future, then the berms would be modified according to MSHA standards. Any additional rock and soil needed to surface the road or build berms would come from native on-site materials. Temporary use areas would not be needed.

The Lucerne Haul Road segments of public land total approximately 988 feet in the Mine area, including segments (from north to south) of 190 feet, 59 feet, and 739 feet long (Figure 3). These road segments are located on public land, would be exclusive to mining traffic, and would connect privately-owned sections of the Lucerne Haul Road that cross Comstock Mining, LLC's patented mining claims.

The cross-section, elevation, and alignment of the road within the wedges in the Mine area would be in constant flux. The geometry of the mine around these wedges would be changing constantly. This would result in the need to change the orientation of the access roads traversing these wedges. It is anticipated that each wedge in its entirety would be disturbed as part of the Proposed Action. The roads would remain in compliance with MSHA design requirements.

User-Created Road

The user-created road (Figure 2) would be decommissioned according to specifications outlined in the Comstock Mining, LLC Reclamation Permit No. 0196. Reclamation of this road would total 2.4 acres of proposed surface disturbance associated with reclamation activities to previously disturbed ground.

e. Temporary or Permanent

The road would be used and maintained year-round for the life of the mine, at which time it would be partially reclaimed and/or completely closed depending on final post-mining land use for the area.

f. Ancillary to an Existing ROW

This exclusive Haul Road would be amended to existing ROW Grant NVN 091237.

g. Type and Volume of Traffic

The Lucerne Haul Road would have exclusive haul traffic. The hours of operation would be 24 hours per day, seven days per week. It is expected that haul trucks or articulated haul trucks would be used for ore haulage.

Additional traffic may include water trucks, fuel trucks, contractor support vehicles, blasting trucks, track and tire mounted drills, and private cars, trucks and vans.

The American Flat Road would have typical public traffic.

h. Season of Use

Construction of the roadways and the operation and maintenance of the roads would primarily be during daylight hours but mine operations and use of the road would be 24 hours per day. For maintenance work and snow removal on the Lucerne Haul Road, Comstock Mining, LLC maintenance and snow removal equipment would be included, but not limited to, the following: graders; loaders; and/or bulldozers.

i. Origination and Destination of the Road

The Lucerne Haul Road connects the open mine area to the processing facility, both on private lands, by use of the American Flat Road. Under the proposed ROW amendment the Lucerne Haul Road would be connected to the southern section of the American Flat Road in Section 6, T16N, R21E, and would be exclusive to mine traffic.

The American Flat Road would remain at its current location beginning at State Route 342 and the proposed re-aligned portion of the American Flat Road would be connected to the existing public access road that would facilitate public traffic heading south towards the American Flat Mill area.

j. Alternative Routes

Option 1: *Proposed Action* - Use the exclusive Lucerne Haul Road to transport the ore from the existing mine to the process facility (Figure 2).

Option 2: *American Flat Toll Road Access Alternative*- Under the American Flat Toll Road Access Alternative, Comstock Mining, LLC would haul ore to the processing facility from the existing Lucerne Mine by traveling north on State Route 342

from the mine and then south on the road that is located north of the American Flat Road which has been historically called the American Flat Toll Road. This alternative was eliminated from detailed analysis because a sharp curve in the road was unsafe for travel by mine traffic.

Option 3: *Ancillary Road Improvement Alternative*- An alternate configuration of the exclusive haul road was considered that would have improved an existing ancillary road located south of the existing American Flat Road and connecting it to the Lucerne Haul Road making a single road for use by mine traffic only. This exclusive road would be separated from the north section of American Flat Road (a public road) by an enlarged outside berm. This alternative was eliminated from detailed analysis as a part of Project redesign to avoid adverse effects to sensitive resources.

Non-Federal Option- If the existing ROW is allowed to expire or not be renewed by the BLM, Comstock Mining, LLC could implement a non-federal option. This option is not subject to BLM decision-making or approval. Comstock Mining, LLC would construct a new processing facility on private lands in Lyon County (Figure 11).

Comstock Mining, LLC's preferred alternative is to use the exclusive Lucerne Haul Road between the Lucerne Mine and the process facility (Option 1). This route was used (although non-exclusively) during 2003 – 2007 for mining activities. Additionally, Comstock Mining, LLC would like to re-route public traffic onto a separate road where haul traffic and public traffic would not encounter one another to permanently separate public and mining traffic on a section of road between the western entrance to Lot 51 and the processing facility along the existing Flume Trail alignment. This section of road would provide public access around the portion of road that is currently shared by public and mine traffic (Figure 4). This would not interfere with the ROW Grant issued to the V&T Railroad, nor would it restrict the public from accessing the American Flat Mill. Typical county and Haul Road cross sections are shown in Figure 6.

2 Right-of-Way Location

a. Legal Description

All roads and road segments discussed in this draft POD are located in the SW ¼ and the NW ¼ of the NW ¼ of Section 5, the E ½ of the NE ¼ and the SE ¼ of Section 6, and the N ½ of Section 8 of T16N, R21E (MDB&M), in Storey County, Nevada.

b. Maps Tied to Section Corners and Drawings

The locations of these roads and road segments are shown on the attached map (Figure 2).

c. Road Cross Sections, Plan and Profiles

Typical county and Haul Road cross sections with current plan and profiles are provided in Figure 6.

3 Facility Design Factors

a. Minimum and Maximum Engineering Standards

1) Construction Standards

All roads within this ROW would be maintained to comply with Comstock Mining, LLC's Air Quality Permit AP1041-2761 and Storm water General Permit NVR300000. Additionally, roads that are accessible by the public would be constructed to standards required by the BLM and Storey County, while roads that are specific to mining traffic would be constructed and maintained to standards required by MSHA. Additional improvements to any roads under a ROW grant beyond those listed in Section 1.c would be submitted to a BLM Authorized Officer for approval.

2) Maximum Grade and Pitch

The existing roads and newly designed sections of road are expected to have a maximum grade of 15 percent and pitch of 4 percent.

3) Requirements and Location of Drainage Facilities

Roadside ditches would be sized according to 100-year 24-hour storm flows. Drainage culverts and crossings would remain in current locations where practicable but may be modified and/or lengthened to accommodate needs of the improved cross section. Re-aligned sections of road would carry storm flow in roadside ditches and cross storm flow through culverts positioned in a manner to attempt to keep flow patterns as close to existing as practicable.

4) Road Surfacing

Road surfacing is shown on typical cross sections in Figure 6.

5) Length and Width of Road

Length and width of roads are listed in Section 1.c above and shown in Figure 6.

6) Cut Fill Diagram

A cut/fill diagram is shown in Figure 6.

b. Detailed Engineering Plans for Major Structures

No major structures are planned to be constructed.

c. Temporary Use Areas

Due to the nature of this Project and the proximity of the mine and process locations, no temporary use areas would be needed.

d. Areas of Special Consideration

1) American Flat Road – Near State Route 341

For public safety, the northeastern portion of American Flat Road near State Route 342 would need to be widened. Currently there is no line of sight for the dangerous corner and hill as the public turns off of State Route 342. Comstock Mining, LLC would modify both the horizontal and vertical alignment of the section mentioned above for public safety while avoiding identified historical resources.

2) American Flat Road Adjacent to Lucerne Mine Haul Road

For public safety, public and haul traffic would be completely separated by utilizing the existing Flume Trail alignment (Figure 5). Where the two roads are adjacent, the two roads are on different elevations and would be separated by a slope (see cross section in Figure 6). The Flume Trail, which is located directly up gradient of the existing road, served the natural location to place an adjacent public road because a cut in the hillside and alignment had already been made.

3) New Curve on American Flat Road

A new curve was placed to facilitate traffic turning to go south towards American Flat Mill. This curve follows the same typical cross section and matches the design criteria of the curve to the north.

4) American Flat and Lucerne Mine Haul Road Intersection

The existing road heading south from the previously mentioned curve would be improved and, where it nears the Lucerne Haul Road, is re-aligned to the east. Currently this intersection is at an angle and does not allow good sight distances. The re-aligned location would make the intersection be approximately perpendicular and move the intersection away from the turn in the process area. This new location allows for much better visibility for public and haul traffic. The north side of American Flat Road is moved to the east to align with the south portion of American Flat Road to minimize disturbance. Signage would be placed at the intersection to control the flow of traffic.

5) Variable Work in the Wedges

The cross section, elevation and alignment of the road within the wedges in the mine area would be in constant flux. The geometry of the mine around these wedges would constantly be changing. This would result in the need to change the orientation of the access roads traversing these wedges. It is planned that the wedge in its entirety would be disturbed in

this Proposed Action. The roads would remain in compliance with design requirements set forth by MSHA for safety.

4 Additional Components

a. Existing and Proposed Components On and Off Public Land

Existing and proposed components on public land consist of:

- American Flat Road
- Lucerne Haul Road segments.

Existing and proposed components off of public land consist of:

- Lucerne Haul Road segments
- The existing mine and
- The process facilities.

b. Need for Sand and Gravel

There would be no need for sand and gravel supplies from public land.

c. Location of Equipment Storage Areas

Equipment used for the construction and maintenance of the road would be stored on Comstock Mining, LLC's private land.

5 Government Agencies Involved

Government agencies involved in this draft POD include:

- Bureau of Land Management (BLM);
- Nevada Department of Environmental Protection (NDEP);
- Storey County;
- Mine Safety and Health Administration (MSHA); and
- Nevada Department of Transportation (NDOT).

No U.S. Army Corps of Engineers Section 404 permits are needed based on the scope of this work. An encroachment permit would be required from NDOT for the work to be done at the intersection with State Route 342. Grading permits and other local permits would be acquired as required.

6 Construction of the Facilities

a. Construction Description

The method of construction would be conventional earth moving equipment for the purposes of excavation and embankment.

Comstock Mining, LLC would employ a qualified and licensed contractor as needed to perform the work for the ROW improvements. Equipment expected to be used would include:

1. One excavator;
2. One D-9R bulldozer;
3. Up to three 631 Scrapers;
4. One water truck;
5. 815 or 825 Compactor; and
6. 140H Motor Grader.

b. Work Force

The estimated work force is expected to be eight persons to operate the equipment listed in Section 6.a and two additional personnel. The number of vehicles for the work force is expected to consist of three vehicles, with four personnel traveling in each vehicle plus one truck for the construction foreman.

The proposed haul road construction and additional improvements to the existing roads would be performed Comstock Mining, LLC and by a qualified and licensed contractor as needed.

c. Flagging or Staking of the ROW

Site staking of the ROW would include the following:

1. ROW limits;
2. Clearing limits;
3. Road construction slope staking; and
4. Finish stakes.

d. Clearing and Grading

Clearing and grading would likely be performed using a grader or bulldozer, while the construction and maintenance of berms would likely be performed using a bulldozer and a highway truck.

e. Facility Construction Data

Construction would proceed in the following order:

1. Survey and staking;
2. Clearing and grubbing;
3. Excavation and embankment preparation;
4. Subgrade preparation;
5. Finished grading; and
6. Surface finishes.

American Flat Road construction is anticipated to occur in this order:

1. American Flat and State Route 342 intersection;
2. American Flat new alignment along the Flume Trail;
3. American Flat new curve; and
4. Realignment of the western intersection of the American Flat Road and Lucerne Pit Haul Road.

Then, upgrades would be performed to the Lucerne Mine Haul Road including reclamation activities and variable wedge construction.

While the roads are being used by Comstock Mining, LLC, water trucks would be utilized to control dust in accordance with the Nevada Division of Environmental Protection, Bureau of Air Pollution Control (NDEP-BAPC) Air Permit. Dust control additives may also be used and only highway legal water trucks would be used on the public roads.

f. Access To and Along ROW During Construction

The ROW of American Flat Road would be accessed by State Route 342. Access to the American Flat Road at the intersection with State Route 342 during construction would have traffic control as specified in the NDOT permit and traffic control plan for the construction of the modified road.

The realigned segment of the American Flat Road would have construction access from the existing American Flat Road. The segment would only have construction traffic until the alignment is complete. Upon completion of the realignment, access to the Lucerne Haul Road would be limited and public traffic would be directed to the new alignment.

g. Contingency Planning

Comstock Mining, LLC is required to prepare and maintain an Emergency Response Plan by both MSHA and the State of Nevada State Emergency Response Commission. This plan is on file with NDEP-BMRR and is also available upon request.

Comstock Mining, LLC Contact – Rachel Yelderman, BLM Contact – Dan Erbes

h. Safety Requirements

Construction activities must comply with National, state and local statutes. The governing agency for safety on the mine is MSHA. Should an emergency occur, Comstock Mining, LLC would follow the Emergency Response Plan (ERP) as recorded with NDEP.

i. Industrial Wastes and Toxic Substances

The use of industrial wastes and toxic substances in the improvement of the road would not be necessary. Any hazardous materials used during the construction, maintenance, use, or reclamation of this ROW would be transported, used, stored, and disposed of in full compliance with applicable law. No seasonal restrictions for road improvements are anticipated.

j. Seasonal Restrictions on Various Activities

No fill would be placed during freezing temperature when compaction requirements cannot be met due to frozen water content in the soil.

7 Resource Values and Environmental Concerns

See the draft environmental assessment.

8 Stabilization and Rehabilitation

a. Soil Replacement and Stabilization

Ditches and drains would be installed, as necessary, to maintain compliance with the Comstock Mining, LLC general stormwater permit.

The Lucerne Haul Road within the Project Area would be reclaimed upon termination of the ROW Grant NVN 091237 during mine closure, unless the BLM or State agencies request that the road remain open for future access. If portions of the Lucerne Haul Road remain open for public traffic, the roadbed width would be decreased to approximately 24 feet for continuous maintenance. Portions of the road that would be needed for site monitoring and maintenance during the post-closure period would remain until final bond release is attained. The American Flat Road would remain in its new alignment to allow for access to American Flat area and not be reclaimed at the end of the Project. The roads that would be reclaimed would be deep ripped to reduce compaction. Roads with significant cut or fill would be graded to blend into the surrounding topography and to generally re-establish the existing drainage patterns. Culverts would be removed or buried and drainage crossing would be reshaped to approximate the original drainage. Riprap or other armoring methods would be used if drainage stabilization is necessary to limit scouring of re-established channels. Approximately six inches of topsoil would be applied to the regarded road surfaces and reseeded using the proposed seed mix. The seeding would preferably be carried out in the fall after the first rainfall and before the winter precipitation. Dragging a light chain over the

seeded surfaces would provide sufficient soil covering for the seed. If seeding is not carried out immediately after the road is re-graded, the re-graded surfaces would be scarified prior to seeding. Reclamation of the private land portions of the Lucerne Haul Road within the mine is not proposed. Comstock Mining, LLC proposes to utilize portions of existing roads to access the proposed ground water monitoring wells following mine reclamation.

b. Disposal of Vegetation Removed

Vegetation that needs to be removed during the improvement of any roads addressed in this draft POD would be chipped and removed from the work site.

c. Seeding Specifications

Comstock Mining, LLC would place BLM specified seed mixture appropriate for final reclamation. The seed mix is anticipated to be BLM Seed Mix 2.

d. Fertilizer

Fertilizer is not anticipated in order to discourage noxious weed growth.

e. Limiting Access to ROW

Access to the Lucerne Pit Haul Road ROW would be limited by the following features in order of travel on American Flat Road from Northeast to Southwest:

1. Gate access separating the public American Flat Road and the Lucerne Pit Haul Road near Lot 51 which would direct traffic along the new alignment of American Flat Road (the old Flume Trail alignment).
2. American Flat Road and Lucerne Pit Haul Road, when adjacent to each other would be separated by horizontal distance and vertical difference as shown in cross sections in Figure 6.
3. Signage would be placed at the western intersection of American Flat Road and Lucerne Pit Haul Road.

9 Operation and Maintenance

a. Minimum Maintenance and Schedule

The Lucerne Haul Road would be maintained continuously, and daily inspections would be made during work days. If the road is inactive for any period of time, it would be inspected prior to use.

While the roads are being used by Comstock Mining, LLC, water trucks would be utilized to control dust in accordance with the NDEP-BAPC Air Permit. Dust control additives may also be used and only highway legal water trucks would be used on the public roads.

b. Placement of Control, Warning and Directional Traffic Signs

Control, warning, and directional traffic signs would be used as necessary. Speed limits, left hand traffic signs, and control signs would be posted at all entrances to the mine site. Locations of proposed signs are illustrated on Figures 7 and 8. Figure 9 shows the legend for the signs illustrated on Figures 7 and 8.

c. Maintenance of Special Needs

For maintenance work and snow removal on the roads included in this draft POD, Comstock Mining, LLC maintenance and snow removal equipment includes, but is not limited to: graders, loaders, and/or bulldozers.

Road watering activities may include ripping the surface to a depth of 2 inches, blading the road smooth, and then applying dust suppression, which would significantly reduce the required number of passes with a water truck. Additionally, Comstock Mining, LLC has obtained Occupancy Permits from the NDOT which may include paved aprons on county and/or patented lots.

d. Safety

Road construction activities must comply with federal, State and local statutes. The governing agency for safety on the mine is MSHA. Should an emergency occur, Comstock Mining, LLC would follow the ERP as described in Section 6,g.

e. Industrial Wastes and Toxic Substances

(See section 6,i.)

f. Inspection and Maintenance Schedules

All roads would be maintained continuously, and daily inspections would be made during work days. If the roads are inactive for any period of time, they would be inspected prior to use.

g. Work Schedules

The operation and maintenance of the roads would primarily be during daylight hours but mine operations may extend to 24 hours and work schedules and use of the road would be 24 hours/day.

h. Fire Control

There are no structures to burn and no anticipated fire controls other than county fire and water trucks for grass fires.

i. Inspections

Construction would have inspections according to the requirements of state and local permitting agencies.

During operations MSHA has regular site wide inspections that would include the operation and maintenance of the roads.

j. Contingency planning

Contingency planning during operations would be the same as during operation primarily because of the variable construction schedule in the mine throughout mine life. (See Section 6,g.)

10 Termination and Restoration

Upon termination of ROW Grant NVN 091237, the exclusive use haul road with its associated structures would be removed and the disturbed areas would be stabilized and re-vegetated, according to specifications outlined in the Comstock Mining, LLC Reclamation Permit No. 0196.

References

Storey County (2012) Storey County, Nevada Website. <http://www.storeycounty.org>. Accessed June 14, 2012.