



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Web posting 10/27/2009

Notice of Decision

Permit #NEV2005109

Point Mining and Milling Consolidated, Inc.

Poverty Gulch Millsite

The Nevada Division of Environmental Protection has decided to issue Water Pollution Control Permit NEV2005109 to Point Mining and Milling Consolidated, Inc. This permit authorizes the construction, operation, and closure of approved mining facilities in Esmeralda County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the groundwater quality will not be degraded by this operation, and that public safety and health will be protected.

The permit will become effective November 10, 2009. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, November 5, 2009, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Paul Eckert at (775) 687-9401 or visit the Division's Bureau of Mining Regulation website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Three comments were received during the public comment period. The responses to these comments are attached.

This Document is for Electronic Distribution

Bureau of Land Management (BLM), Alan Buehler, comment received by electronic mail on August 6, 2009:

Comment 1: Point Consolidated Mining and Milling is not a business entity registered to do business in Nevada according to the Nevada Secretary of State's website. In addition, there is no private property in Sec. 3, T. 7 S., R. 41 1/2 E., and while there are 2 patented mining claims that protrude into the West side of Sec. 10, neither is near the millsite. According to the Bureau of Land Management's master title plats, Mr. Young's millsite is on public land administered by the BLM, Tonopah Field Office. Mr. Young has not submitted a Plan of Operations for this milling project.

NDEP Response: As required by the Water Pollution Control Permit Section II.C.7, the Permittee will satisfy all requirements of all agencies with jurisdiction over the proposed facilities including Federal, State, and local regulatory agencies. Point Mining and Milling Consolidated, Inc. has been registered with the Secretary of State's office as of October 14, 2009.

Nevada Division of Water Resources, Diana Lefler, comment received by electronic mail on August 4, 2009:

Comment 2: All waters of the State belong to the public and may be appropriated for beneficial use pursuant to the provisions under Chapters 533 and 534 of the Nevada Revised Statutes and not otherwise. Currently the operator has no permits on file with the Division of Water Resources. After obtaining the necessary permits, the operator shall install, maintain and plug the required wells in compliance with Chapter 534 of the Nevada Administrative Code.

NDEP Response: The proposed facility does not include any wells.

Nevada Department of Wildlife, Tracy Kipke, comment received by electronic mail on August 26, 2009:

Comment 3: Do you know if the overflow pond will be fenced to exclude terrestrial wildlife?

NDEP Response: The Permittee has agreed to provide fencing around ponds and include provisions to allow safe exit of wildlife in the event they do enter the pond area.