



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

NOTICE OF DECISION - Bureau of Mining Regulation and Reclamation

Web Posting: 05/04/2012

Deadline for Appeal: 05/14/2012

New Boston Mill
WPC Permit No. NEV2011101

Alan Chambers

The Nevada Division of Environmental Protection has decided to issue a new Water Pollution Control Permit NEV2011101 to Alan Chambers. This permit authorizes the construction, operation, and closure of an approved physical separation facility at the New Boston Mill site in Mineral 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 May 19, 2012. 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, May 14, 2012, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Rob Kuczynski, P.E. at (775) 687-9441 or visit the Division's Bureau of Mining Regulation website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Electronic and written comments were received during the public comment period from Ms. Sue Silver, Assistant Director, Mineral County Museum and Mr. William Goebel, Son-in-Law to Mr. Wilfred Buffington, the current land owner of the proposed New Boston Mill site.

Comments: Ms. Silver's comments are related primarily to undocumented historical and cultural resources at and near the proposed New Boston site and the relatively unclear leasing arrangements and/or agreements made between Mr. Alan Chambers (the Permittee) and Mr. Buffington.

Mr. Goebel's comments are similar in nature but are related to the following:

1. An incorrect legal land description for the proposed New Boston Mill site indicated in the lease documents formally filed with the Mineral County Assessor's Office. The

validity of the land-use lease between Mr. Chambers and Mr. Buffington could be in question.

2. Access to the historic ore stockpile located on public land (BLM) and private land (Buffington Ranch).
3. Access to Nevada Division of Water Resources (NDWR) Well #26712, owned by Mr. Buffington and located on the proposed New Boston Mill site.
4. Mr. Goebel staked mill site claims for 1) the west half of the ore stockpile located on private land ("New Boston Mill Site"), recorded as Mineral County Document #155307 on January 9, 2012; 2) the east half of the ore stockpile ("Faith Mill Site Claim") located on public land recorded as Mineral County Document #155576; and 3) re-recorded the "New Boston Mill" claim" as the "Lexie Mill Site", recorded as Mineral County Document #155575.
5. Mr. Goebel has not entered into any leasing agreement with Mr. Chambers or any other any party regarding the ore stockpiles or the construction of a physical separation facility at any of the mill site claims.

Division Response: *Historical and cultural resource concerns, land and water use, and lease agreements are not the purview of the Water Pollution Control Permit. In addition, Mr. Chambers is not authorized by the owner of NDWR Well #26712 to use the well water for any purpose and is aware that he must obtain water from either off-site source or install a new make-up water supply well at his own expense. In addition, Mr. Chambers has stated that he has no intention of processing any of the stockpiled ore in question.*