

ID NUMBER	66602568
DISTRICT	Churchill County General
DIST_NO	0020
COUNTY	Churchill
TITLE If not obvious	Churchill County Agenda Report: Proposal to Reopen Nightingale Diatomite Mine
AUTHOR	Moore, P.D.; Goetsch, B; Jardine, R.; Kale, A
PAGES (including summary sheet)	13
DATE OF DOC(S)	2007
FF Only?	
MULTI_DIST Y / (N?)	
Cross-references:	
QUAD_NAME	Telephone Well 7.5'
P_M_C_NAME (mine, claim & company names)	Nightingale Mine; Celite Corporation; World Minerals
COMMODITY If not obvious	Diatomite
NOTES	Memo; proposal to reopen Nightingale Mine; draft reclamation permit; County agenda report
Location:	Digital only

Keep docs at about 250 pages if no oversized maps attached  
(for every 1 oversized page (>11x17) with text reduce  
the amount of pages by ~25)

SS:	DD	1/20/2010
	Initials	Date
DB:	MB	1/21/2010
	Initials	Date
SCANNED:	MT	2.3.2010
	Initials	Date
QA	Initials	Date

**Churchill County  
Agenda Report**

**Agenda Item:**

Consent # A

**Date Submitted:** September 20, 2007

**Agenda Date Requested:** October 1, 2007

**To:** Board of Churchill County Commissioners

**From:** Pamela D. Moore, Administrative Aide to the Board of County Commissioners

**Subject Title:** Notice from Nevada Division of Environmental Protection (NDEP) of an application for a major modification to the existing Reclamation Permit for a Mining Operation for World Minerals' Celite Corporation-Nightingale Mine located within Churchill County, Nevada.

**Type of Action Requested:** (check one)

☐ Resolution

☐ Ordinance

☐ Formal Action/Motion

☒ Other – Informational Only

**Does this action require a Business Impact Statement?** No

**Recommended Board Action:** None.

**Discussion:** The Nevada Division of Environmental Protection (NDEP) gives notice of an application for a major modification to the existing Reclamation Permit for a Mining Operation for World Minerals' Celite Corporation-Nightingale Mine located within Churchill County, Nevada. This project is located in portions of Section 25, Township 23 North, Range 26 East, Section 21, Township 23 North, Range 27 East, and Sections 18 and 20, Township 24 North, Range 26 East, M.D.M., approximately 30 miles from the community of Fernley, Nevada. The Nightingale Mine is a diatomite mine that has been operated previously by Celite Corporation. The mine has been inactive during recent years. Material from the Nightingale Mine is transported by highway to their processing plant in Fernley. Celite Corporation intends to resume mining at Nightingale and the permit modification is being performed to include locations for a stockpile and plant reject disposal area near Interstate 80 to reduce the amount of off-highway mileage transporting material between the mine and plant. All existing and proposed disturbance associated with the mine facilities are located on private lands owned or leased by Celite Corporation. The plant in Fernley is not included in the reclamation permit.

Persons wishing to submit written comments or information on the tentative decision must do so in writing no later than 5:00 p.m. on October 11, 2007. Any person who is directly affected by the proposed permit modification may request, in writing, a public hearing on the modification to the permit. The request must state the reason for the request and the issues to be raised at the hearing. This request must be submitted, in writing, no later than 5:00 p.m. on October 11, 2007:

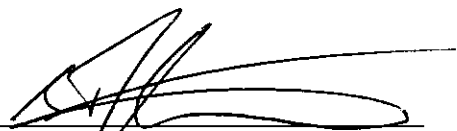
Nevada Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
901 So. Stewart Street, Suite 4001  
Carson City, Nevada 89701

All comments or objections received during the public notice period will be considered in the final determination regarding this application. If the Division determines written comments or requests are reasonable and indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 519A.200. The Division will accept written comments in the form of facsimile, e-mail or by mail. The comments may also be hand delivered. The permit and application and all applications documents are on file at the Division and are available for public inspection and copying.

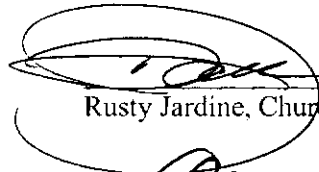
**Prepared By:** Pamela D. Moore, Administrative Aide

**Date:** September 20, 2007

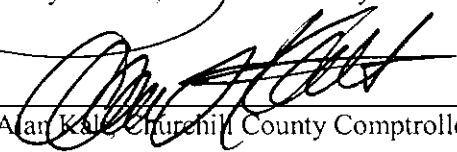
Reviewed By:

  
Brad Goetsch, Churchill County Manager

Date: September 21, 2007

  
Rusty Jardine, Churchill County Civil Deputy Attorney

Date: September 21, 2007

  
Alan Kane, Churchill County Comptroller

Date: September 21, 2007

Board Action Taken:

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)

Notice of Intent

by the

State of Nevada

RECEIVED

SEP 13 2007

CHURCHILL COUNTY  
CLERK / TREASURER

The Administrator of the Division of Environmental Protection gives notice that an application for a major modification to the existing Reclamation Permit for a Mining Operation for World Minerals' Celite Corporation-Nightingale Mine has been properly filed with the Division of Environmental Protection in Carson City. The applicant for the proposed modification for Permit No. 0160 is:

Celite Corporation  
100 Front Street  
Fernley, Nevada 89408

This project is located within Churchill County, and is in portion(s) of Portions of Section 25, T. 23 N., R. 26 E., Section 21, T. 23N., R.27E., and Sections 18 and 20, T. 24N., R.26E., M.D.M., Churchill County, Nevada, approximately thirty miles from the community of Fernley, Nevada. The Nightingale Mine is a diatomite mine that has been operated previously by Celite Corporation. The mine has been inactive during recent years. Material from the Nightingale Mine is transported by highway to their processing plant in Fernley, Nevada. Celite Corporation intends to resume mining at Nightingale and the permit modification is being performed to include locations for a stockpile and plant reject disposal area near Interstate 80 to reduce the amount of off-highway mileage transporting material between the mine and plant. All existing and proposed disturbance associated with the mine facilities are located on private lands owned or leased by Celite Corporation. The plant in Fernley, Nevada is not included in the reclamation permit.

The Administrator is constrained to approve the modification to the reclamation permit or to deny the application. The Administrator has made the tentative decision to approve the modification.

Persons wishing to submit written comments or information on the tentative decision must do so in writing no later than by 5 PM on October 11, 2007. Any person who is directly affected by the proposed permit modification may request, in writing, a public hearing on the modification to the permit. The request must state the reason for the request and the issues to be raised at the hearing. This request must be submitted, in writing, no later than by 5 PM on October 11, 2007.

Nevada Division of Environmental Protection  
Bureau of Mining Regulation and Reclamation  
901 S. Stewart St. Ste 4001  
Carson City, NV 89701

All comments or objections received during the public notice period will be considered in the final determination regarding this application. If the Division determines written comments or requests are reasonable and indicate a significant degree of public interest in this matter, the Administrator shall schedule a public hearing in accordance with the requirements of NAC 519A.200. The Division will accept written comments in the form of facsimile, e-mail, or by mail. The comments may also be hand delivered.

The permit application and all application documents are on file at the Division and are available for public inspection and copying pursuant to NRS Chapter 239.010. For more information contact Richard Gantt at (775) 687-9410, or toll free in Nevada (800) 992-0900, select option 2 for State Operator, then ask for 687-9410 or visit the Bureau's website at <http://ndep.nv.gov/admin/public.htm>



STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL PROTECTION  
BUREAU OF MINING REGULATION AND RECLAMATION  
RECLAMATION PERMIT

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**PERMITTEE:** Celite Corporation  
100 Front Street  
Fernley, Nevada 89048

**PROJECT LOCATION:** Portions of Section 25, T. 23 N., R. 26 E., Section 21, T. 23N.,  
R.27E., and Sections 18 and 20, T. 24N., R.26E., M.D.M.,  
Churchill County, Nevada

**PERMIT NUMBER:** 0160 **BLM CASE NUMBER:** NA

**PROJECT TYPE:** Mine Project **AMENDMENTS:** Nov. 2005, July 2007

Pursuant to Nevada Revised Statutes (NRS) 519A.010 to 519A.280, inclusive, and regulations promulgated thereunder by the State Environmental Commission as Nevada Administrative Code (NAC) 519A.010 to 519A.415, inclusive, and implemented by the Division of Environmental Protection (hereinafter the Division), this permit authorizes **Celite Corporation** to reclaim the **Nightingale Mine** consistent with the conditions of this permit and the modification dated July 19, 2007, *entitled Revision to Nightingale Mine, Reclamation Permit 0160*, and the modification dated November 30, 2005, *entitled Modification to Nightingale Mine, Permit 0160*.

This modified permit issued this XX day of September, 2007, is valid for the life of the project unless it is modified, suspended or revoked by the Division. The permit will not now or in the future serve as a determination of ownership or the validity of any mining claim to which it might relate.

This permit becomes effective upon receipt, by the Division, of an acceptable surety. A surety is required by NAC 519A.350 prior to engaging in the activities authorized by this permit.

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David Gaskin, P.E., Chief  
Bureau of Mining Regulation and Reclamation

**RECLAMATION PERMIT****NO. 0160****PERMIT LIMITATIONS AND REQUIREMENTS:****1. Permitted Disturbances**

A. All disturbances are located on private land.

<b>Disturbance Type</b>	<b>Existing Disturbance (Acres)</b>	<b>Proposed Disturbance (Acres)</b>	<b>Total (Acres)</b>
Roads and Stockpile Pads	2.58	12.84	15.42
Mine Faces, Pits and Dumps	26.95	2.16	29.11
<b>Total</b>	<b>29.53</b>	<b>15.00</b>	<b>44.53</b>

B. Drill holes will be plugged in accordance with the provisions specified in Chapter 534 of the Nevada Administrative Code. No drill holes will remain unplugged at any one time.

**2. Departure from Approved Plan for Reclamation**

A. Except in the case of an emergency, the operator may not depart from the approved plan for reclamation without a modification approved by the Division.

**3. Fees**

A. On or before April 15 of each year submit the fees as required by NAC 519A.235.

B. On or before April 15 of each year submit the fees as required by NRS 519A.260.

**4. Reports**

A. On or before April 15 of each year, the operator shall submit a report (NRS 519A.260), in a format specified by the Division, relating to the status and production of the operation and identifying each acre of land affected and land reclaimed by the operation.

**5. Project Completion, Abandonment or Suspension of Work**

A. The Division shall be notified in writing within 90 days after an operation is complete or abandoned. The notice must state the date on which the activities for reclamation will begin as specified in NAC 519A.320.

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**PERMIT LIMITATIONS AND REQUIREMENTS:**

B. The Division shall be notified in writing within 90 days after work is suspended at the operation for more than 120 days. The notice must state the nature and reason for the suspension; the anticipated duration of the suspension; and any event which would reasonably be expected to result in either the resumption of activities or the abandonment of the operation. The Operator is not required to notify the Division of a temporary closure caused by weather conditions.

**6. Surety**

A. The Operator shall file and maintain an acceptable surety as specified in NAC 519A.350 to ensure that reclamation will be completed. If the surety is a Corporate Guarantee, the financial warrantor shall submit to the Division on a yearly basis, a certified financial statement for the financial warrantor's most recent fiscal year and verification by a Certified Public Accountant (CPA) that the Corporation meets the requirements for Corporate Guarantee.

B. Within 3 years after the effective date of this permit and at least every 3 years thereafter, the operator shall review the surety amount to determine whether it is still adequate to execute the approved reclamation plan. Inflation must be considered.

C. The operator shall notify the Division and the appropriate Federal Land Management Agency(s) of the results of the surety review, and within 120 days of its completion, verify that the current surety is adequate, increase the surety, or request a decrease in the surety.

D. The operator must provide documentation on reclamation work completed, before any portion of the surety may be released. (See Attachment A).

**7. Inspection of Exploration Project and/or Mining Operation**

A. The operator shall allow authorized representatives of the Division, and the appropriate federal land management agency(s) to inspect the operation, during normal business hours, to determine compliance with the terms and conditions of this permit and the status of reclamation activities.

**8. General Requirements**

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**PERMIT LIMITATIONS AND REQUIREMENTS:**

- A. The operator shall maintain a copy of this permit and all modifications at the permitted project or operation at all times.
- B. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected.
- C. Any noncompliance with this permit shall be reported orally to the Division within 48 hours of the time the operator has knowledge of the circumstances. A written summary shall be provided within 10 days after the oral report is made.
- D. Any changes in the Operator's name or address shall be reported within 10 days to the Division in writing, and must indicate the permit number and appropriate changes.
- E. Any changes in Corporation/Partnership/Proprietorship name, officers, or address shall be reported within 10 days to the Division in writing, and must indicate the permit number and appropriate changes.
- F. The operator shall meet the revegetation standards as set forth in Attachment B.
- G. An operator who initiates reclamation activities prior to meeting chemical stabilization (closure) requirements will be responsible to provide a surety for and to repair any reclaimed areas which may be re-affected by closure activities.

**9. Schedule of Compliance:**

The permittee shall achieve compliance in accordance with the following schedule:

- 1. On or before July 1, 2008 collect data and establish the site-specific revegetation release criteria for this project in accordance with the Attachment B guideline included with this permit.



## ATTACHMENT A

### Documentation of Reclamation Activities for Surety Release

An operator may request surety release in accordance with applicable State and Federal regulations. The following documentation must be submitted simultaneously to NDEP and the Federal land management agency prior to the agencies conducting a site inspection:

#### **MINING OPERATIONS**

1. **Map(s)** clearly identifying the area, noting specific treatments and sampling locations (as applicable).
2. Description of the following activities:
  - A. **Earthwork:**
    - 1) The number of acres regraded and/or ripped.
    - 2) Final slope angles left after regrading.
    - 3) Methodology used to check final slope angles (e.g., clinometer, transit, etc.).
    - 4) The number of acres that received topsoil/growth medium.
    - 5) Depth and source of topsoil/growth medium and application method.
    - 6) Dates of initiation and completion of activities.
  - B. **Revegetation Activities:**
    - 1) The number of acres that were seeded and/or planted.
    - 2) Seed bed preparation methods utilized.
    - 3) Seeding/planting methods used (e.g., broadcast seeding, etc.).
    - 4) Provide information on how seed was covered.
    - 5) Seed mix and seeding rate; document by maintaining seed tags and any testing results (PLS, germination, noxious weeds, etc.).
    - 6) The number of acres that received fertilization, mulch or amendments.
    - 7) Fertilizer (N-P-K, type, application rate, application method).
    - 8) Mulches and soil amendments (type, application rate, and application method).
    - 9) Date of initiation and completion of activities (such as seeding, seed bed prep, irrigation).
  - C. **Final Revegetation Sampling:**
    - 1) Adjacent representative vegetation type or range site description (baseline data).
    - 2) Sampling method (e.g., line intercept).
    - 3) Number of samples taken (disturbed and adjacent representative sites).
    - 4) Statement of methodology demonstrating sample size, adequacy and how the location of sampling sites were determined.
    - 5) Results of sampling (copy of sampling worksheet) for disturbed and representative areas. Indicate all perennial species located.
    - 6) Dates of sampling.
  - D. **Other reclamation activities** such as; structure and debris removal, safety feature installation, erosion control treatment, equipment removal or other permit requirements.
3. Detailed calculation of the surety amount proposed for release if applicable.
4. Prior to release, a field inspection is required to verify that reclamation has been performed in accordance with the approved reclamation plan and permit.

## ATTACHMENT A

### Documentation of Reclamation Activities for Surety Release

An operator may request surety release in accordance with applicable State and Federal regulations. The following documentation must be submitted simultaneously to NDEP and the Federal land management agency prior to the agencies conducting a site inspection:

#### EXPLORATION PROJECTS

1. **Map(s)** clearly identifying the area, noting specific treatments and sampling locations (as applicable).
2. Description of the following activities:
  - A. **Earthwork:**
    - 1) The number of acres regraded.
    - 2) Dates of initiation and completion of activities.
  - B. **Revegetation Activities:**
    - 1) The number of acres that were seeded and/or planted.
    - 2) Seed bed preparation methods utilized.
    - 3) Seeding/planting methods used (e.g., broadcast seeding, etc.).
    - 4) Provide information on how seed was covered.
    - 5) Seed mix and seeding rate; document by maintaining seed tags and any testing results (PLS, germination, noxious weeds, etc.).
    - 6) The number of acres that received fertilization, mulch or amendments.
    - 7) Fertilizer (N-P-K, type, application rate, application method).
    - 8) Mulches and soil amendments (type, application rate, and application method).
    - 9) Date of initiation and completion of activities.
  - C. **Other reclamation activities** such as; drillhole plugging, structure and debris removal, safety feature installation, erosion control treatment, equipment removal or other permit requirements.
3. Detailed calculation of the surety amount proposed for release if applicable.
4. Prior to release, a field inspection is required to verify that reclamation has been performed in accordance with the approved reclamation plan and permit.

## ATTACHMENT B

### **NEVADA GUIDELINES FOR SUCCESSFUL REVEGETATION FOR THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION, THE BUREAU OF LAND MANAGEMENT AND THE U.S.D.A. FOREST SERVICE**

#### **I. MINING PLANS-OF-OPERATIONS**

##### **A. Reclaimed Desired Plant Communities for Mining Operation Disturbances**

Reclamation goals for mining disturbances are 1) stabilize the site, and 2) establish a productive community based on the applicable land use plan and designated post-mining land uses. To meet these goals, a Reclaimed Desired Plant Community (RDPC) should be selected for use on the disturbed mine sites. A RDPC is defined as:

A perennial plant community established on a disturbed site which contributes to stability through management and land treatment, and which produces that type and amount of vegetation necessary to meet or exceed both the land use and activity plan objective established for the site.

Several RDPCs may be selected based on site-specific revegetation goals and variable site characteristics for the mining disturbances. When selecting RDPCs, major alterations in reconstructed soils and the subsequent effect of this on the site's capability to establish and sustain the desired vegetation must be considered. A RDPC must have a reasonable chance for success when making the selection.

The plant community for the RDPC should be diverse, and when appropriate for the site should include grasses, forbs, shrubs and/or trees. The RDPC shall be comprised of species native to the area, or introduced species where the need is documented for inclusion to achieve the approved post-mining land use. The RDPC must meet the requirements of applicable State and Federal seed, poisonous and noxious plants, and introduced species laws or regulations. All RDPCs must be approved by the agencies. Plants for RDPCs may be selected using one or more of the following methods:

1. Select existing vegetation types around the mine site to represent the varied RDPCs.
2. Use test plots, demonstration areas, or areas concurrently reclaimed within the mine site or within similar representative areas from adjacent mines to serve as the RDPCs as long as they meet the reclamation goal.
3. For areas where existing vegetative types adjacent to the mine area are severely disturbed or where test plots or demonstration areas are not reasonable alternatives, RDPCs may be selected using appropriate ecological or range site descriptions or other technical sources.

## **B. Guidelines for Successful Revegetation**

The revegetation release criteria for reclaimed mine sites will be to achieve as close to 100 percent of the perennial plant cover of selected comparison areas as possible. The comparison or reference areas will be selected from representative plant communities adjacent to the mine site, test plots or demonstration areas or, as appropriate, representative ecological or range site descriptions. As approved by the agencies, the selected plant communities or reference areas must have a reasonable chance for success on the mine site. Each plan-of-operations shall identify the site-specific release criteria in the reclamation plan or permit. The agencies may also require specific release standards for individual plant species or vegetative types (grasses, forbs, shrubs, trees). Cover would be estimated using a method as described in Sampling Vegetation Attributes, Interagency Technical Reference, 1996, BLM/RS/ST-96/002+1730 or other acceptable technical methods.

The determination of successful revegetation of mining disturbances will require an evaluation of the data by the agencies on a site-specific basis. These data must include all of the information requested in Attachment A of the Reclamation Permit, "Documentation of Reclamation Activities for Surety Release and Annual Fee Responding". When making this evaluation, the following information shall also be considered:

1. Have the desirable species been successfully established, and do they provide sufficient aerial cover to adequately protect the site from soil erosion?
2. Is there evidence that a self-sustaining community has been established? Are vegetative reproduction (e.g. rhizomes) and seedling establishment of the desirable seeded species occurring?
3. Is there evidence of site stability, including the lack of surface soil erosion, gully formation and slumping?
4. Has the revegetation goal in the reclamation plan been met?
5. Has the operator taken reasonable measures to establish the RDPC?

## **C. Time frames**

The success of the vegetative growth on a reclaimed site may be evaluated for release no sooner than during the third growing season after earthwork, planting and irrigation (if used) have been completed. Final bond release may be considered at that time. Interim progress of reclamation will be monitored as appropriate by the agency and operator. Where it has been determined that revegetation success has not been met, the agencies and the operator will meet to decide on the best course of actions necessary to meet the reclamation goal.

## **II. EXPLORATION PLANS-OF-OPERATIONS**

The same guidelines as described above should be used to evaluate the success of the RDPCs for plan-level exploration disturbances. The agencies may also decide, depending on the size and scope of the project, to evaluate revegetation and reclamation success based on general ground reconnaissance and professional judgement. Extenuating circumstances may be considered when evaluating the success of the revegetation effort. If regulatory agencies determine that remediation is required on the site, the operator and agencies will meet to determine the procedures.

## **III. BLM NOTICES**

On notice-level activities on the public lands, the BLM will evaluate revegetation and reclamation success based on general ground reconnaissance and professional judgement. Notice-level disturbance may be considered reclaimed if in the professional judgement of the regulatory agency effective action has been taken to stabilize and revegetate the site to a condition designed to result in the establishment of a productive post-mining land use. Extenuating circumstances may be considered when evaluating the success of the revegetation effort. If the BLM determines that further stabilization or revegetation efforts are needed, the operator and BLM will meet to determine what further steps are necessary.