

To the Nevada Mining Oversight and Accountability Commission
September 24, 2015

My name is David Toll. I am a resident of Gold Hill and have been for many years.

I am here to ask that you take the collapse of Highway 342 very seriously, and that you seriously investigate what caused it.

The highway has collapsed there four or five times since it was first paved over the Silver Hills mine shaft, each time being replugged and repaved, but not routed away from the mineshaft.

The most recent collapse occurred in 2006, and this time the repairs were made with a huge heavy concrete plug over the shaft, with a large earthmass built up all around it and engineered to hold it firmly and forever immobile. It was intended to be a 'for-once-and-for-all' solution to a well-known problem, and until last winter, it was.

Before Christmas small cracks appeared in the asphalt and by the end of February subsidence was obvious, and the road was closed as a safety measure. As you know from everything that has happened since, it has caused enormous disruption and inflicted a powerfully negative economic impact on all the Comstock communities.

What caused this? The evidence suggests it was a consequence of CMI digging the pit too close to the road and disturbing the stabilizing earthmass placed there to hold the plug in place over the old mine workings. But could that have been negligence, or was it done on purpose?

The east wall was notoriously unstable and this was well-known within the company. A former executive of the company has said that there is a well-thumbed engineering report in the company library warning against expanding the pit eastward because of the danger of undermining the highway. Was it negligence to go ahead anyway, and the shave the wall as close to the road as possible, and as steep beneath it as possible, knowing it might collapse?

Well, it did collapse, so if that's negligence, I think it's criminal negligence. And if it was done purposely, it was criminal from the start.

Why would CMI do it on purpose, or even risk it happening at all?

This has been a boon to the company, allowing access to highly desirable ore beneath and beyond the roadway without waiting for time-consuming permits. After five years of spending millions upon millions with no profits, and its stock floating down around 60 cents, the company is desperate to get into the black. I believe it is prepared to take any risk to stay afloat and keep its shareholders' golden dreams alive.

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This company risked putting its haul trucks on the public right-of-way without a permit, and was cited for Trespassing by the BLM. This company risked a major environmental violation by installing nonpermitted equipment and was fined a quarter of a million dollars by NDEP. The company's attitude toward its neighbors has been contemptuous and dismissive throughout.

NRS 405.230 provides that "Any person who, in any manner, obstructs any road, street or alley, or in any manner damages it or prevents travel thereon" is "guilty of a public offense, as prescribed in NRS 193.155".

NRS 193.155 says "Where the value of the loss is \$5,000 or more or where the damage results in impairment of public communication, transportation or police and fire protection" — which this highway closing did — it is a Class C Felony . . . for which CMI had motive and opportunity, and from which it is reaping the rewards.

I think it is reasonable and appropriate for MOAC to determine whether a Felony has been committed and overlooked.

Thank you.

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