



Margaret
Rue

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

201 S. Fall Street

Capitol Complex

Carson City, Nevada 89710

(702) 885-5138

March 3, 1988

Secretary Donald Hodel
Department of the Interior
Washington, D.C. 20240

Dear Secretary Hodel:

Attached is a letter which I received concerning mining within the Virginia City Landmark Historic District. As the letter indicates, the District is an Endangered Landmark which may make it eligible for protection under Chapter 39 of the United States Code (U.S.C.) "Mining Activity within National Park System Areas" Section 1908.

The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District. The proposed mining activity has the potential of destroying additional portions of the District.

This letter is intended to notify you of this situation, and it represents a request that you implement the appropriate provisions of the U.S.C. Please let me know if you have any questions.

Sincerely,

RONALD M. JAMES, Deputy
State Historic Preservation Officer

cc: Robert Fink, National Advisory Council
for Historic Preservation and Archeology
Margaret Pepin-Donat, National Park Service, WRO ✓
Storey County Commission
Ana Koval, President, Nevada Heritage
Larry Wahrenbrock, National Alliance of Preservation
Commissions



RECEIVED
MAR 4 1988

Division of Historic Preservation
and Archeology

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

COMSTOCK HISTORIC DISTRICT COMMISSION

P.O. Box 128

Virginia City, Nevada 89440

(702) 847-0281

TO: Ron James, Deputy State Historic Preservation Officer
Dept. of Conservation and Natural Resources
Division of Historic Preservation and Archeology
Capitol Complex
Carson City, NV 89710

FROM: Larry Wahrenbrock
Administrative Assistant *LW* 3/3/88
Comstock Historic District Commission

RE: Surface mining activities in a National Landmark Historic
District by The Art Wilson Co., P. O. Box 1160, Carson City, NV,
89702; (702) 882-0700.

Dear Mr. Ron James,

For your information on March 1, 1988 the Storey County Board of Commissioners approved a Special Use Permit application by The Art Wilson Co. for an open pit mine at the Keystone Mine site in Gold Canyon. This site is within the boundaries of the Virginia City National Landmark Historic District as well as the Comstock Historic District Boundaries. As you know the District was designated as "endangered" in the 1985 Section 8 report to Congress on the status of National Landmarks. The "endangered" designation was in part due to a pit mine operation at the Con-Imperial site in upper Gold Canyon. As you are aware the enabling legislation for the Historic District Commission does not specifically call review of the Commission over mining activities. I feel that there is a strong potential for irreparable harm to the integrity of the district as a result of this action by Storey County.

I have recently become aware of a Federal law known as Chapter 39 U.S. Code entitled "Mining Activity within National Park System Areas". Section: 1908 of that code calls for "Whenever the Secretary of the Interior finds on his own motion or upon being notified by an appropriate ... authority, that a district, ... which has been found to be nationally significant

in illustrating ... the history of the United States and which has been designated as a ... historical landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity."

I would request you assistance in researching this matter and determining the best course of action. Discussion of the project will be agendised for the next meeting of the Commission on March 21, 1988.

Enclosed is a copy of the Special Use Permit Application and amendment thereto, as submitted by The Art Wilson Co. and a map of the Historic District indicating the location of the proposed mine site.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF HISTORIC PRESERVATION AND ARCHEOLOGY

201 S. Fall Street

Capitol Complex

Carson City, Nevada 89710

(702) 885-5138

April 12, 1988

Secretary Donald Hodel
Department of the Interior
Washington, D.C. 20240

RECEIVED
APR 15 1988

Division of National Register
Programs
National Park Service

Dear Secretary Hodel:

You may recall that I wrote to you on March 3, 1988 regarding mining with the Virginia City Landmark Historic District. Attached is a second letter which I received concerning mining within the Virginia City Landmark Historic District. As the letter once again indicates, the District is an Endangered Landmark which may make it eligible for protection under Chapter 39 of the United States Code (U.S.C.) "Mining Activity within National Park System Areas" Section 1908.

The Virginia City Historic Landmark District is endangered because of previous open pit mining which has limited the visual integrity of the District and which destroyed and continues to threaten contributing cultural resources within the District. The proposed mining activity has the potential of destroying additional portions of the District.

This letter is intended to notify you of this situation, and it represents a request that you implement the appropriate provisions of the U.S.C. Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ronald M. James".

RONALD M. JAMES, Deputy
State Historic Preservation Officer

cc: Robert Fink, National Advisory Council
for Historic Preservation and Archeology
Margaret Pepin-Donat, National Park Service, WRO ✓
Lyon County Commission
Storey County Commission
Ana Koval, President, Nevada Heritage
Larry Wahrenbrock, National Alliance of Preservation
Commissions



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMSTOCK HISTORIC DISTRICT COMMISSION

P.O. Box 128

Virginia City, Nevada 89440

(702) 847-0281

4-8-88

TO: Ron James, Deputy State Historic Preservation Officer
Dept. of Conservation and Natural Resources
Division of Historic Preservation and Archeology
Capitol Complex
Carson City, NV 89710

FROM: Larry Wahrenbrock
Administrative Assistant
Comstock Historic District Commission

RE: Surface mining activities in a National Landmark Historic
District by Gold Bug Inc. and Canyon Resources Inc.

Dear Mr. Ron James,

Gold Bug Inc. has applied to Lyon County for a Special Use Permit to mine approximately 400 acres in the lower Gold Canyon and Spring Valley area. The application was approved by the Lyon County Planning Commission and the Lyon County Board of Commissioners contingent on review of the project by the Comstock Historic District Commission. Canyon Resources has received a permit from Storey County for surface mining in the Gold Canyon area with no review of the potential impacts to historic resources and no provision for review of the project by the Comstock Historic District Commission.

Both projects are within the boundaries of the Virginia City National Landmark Historic District as well as the Comstock Historic District. As you know the District was designated as "endangered" in the 1985 Section 8 report to Congress on the status of National Landmarks. The "endangered" designation was in part due to a pit mine operation at the Con-Imperial site in upper Gold Canyon. As you are aware the enabling legislation for the Historic District Commission does not specifically call for the review by the Commission of mining activities. I feel that there is a strong potential for irreparable harm to the integrity of the district as a result of these activities.

2/2
4/8/88
LW

Federal law [PL 94-429 section 9, Stat. 1343, 16 U.S. Code 1908] entitled "Mining Activity within National Park System Areas" calls for "Whenever the Secretary of the Interior finds on his own motion or upon being notified by an appropriate ... authority, that a district, ... which has been found to be nationally significant in illustrating ... the history of the United States and which has been designated as a ... historical landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity."

As with the Art Wilson Co. project of last month I would request that your office notify the Secretary of Interior at your earliest convenience.



United States Department of the Interior

DRAFT

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

H3417 (WR-RRA)

November 1, 1988

RECEIVED
NOV 7 1988

Division of Historic Preservation
and Archeology

Mr. Roland D. Westergard
State Historic Preservation Officer
Department of Conservation and Natural Resources
Nye Building, Rm 213
201 S. Fall Street
Carson City, NV 89710

Attention: Ron James, Deputy Historic Preservation Officer

Dear Mr. ^{Roland} Westergard:

Please find enclosed a draft investigative report on the status of Virginia City National Historic Landmark District. This study was prepared pursuant to your notification, in March and April 1988, to the Secretary of the Interior under Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94-429), that mining activities within the Landmark were posing a potential threat to the historic integrity and character of the district. The report was also prepared in accordance with Section 8 of the National Park System General Authorities Act of 1976, and provisions of the National Historic Landmark program in 36 CFR 65.

We would appreciate your review and comment on the enclosed report by November 30, 1988; copies have also been provided to the Associate Director for Cultural Resources and the Chief, Technical Preservation Services Branch of the National Park Service, and to the Administrative Assistant of the Comstock Historic District Commission. Upon receipt of comments we will finalize the report for formal transmittal to the Assistant Secretary.

Sincerely,

Margaret Pepin-Donat

for Margaret Pepin-Donat
Chief, National Register Programs

Enclosure (1)

OVER THE LODE:

AN INVESTIGATION OF THE STATUS OF THE
VIRGINIA CITY NATIONAL HISTORIC LANDMARK DISTRICT,
ALSO KNOWN AS THE COMSTOCK HISTORIC DISTRICT,
NEVADA

DRAFT

by

Leo R. Barker
Historical Archeologist
Interagency Archeological Services Branch

National Park Service
San Francisco

This report has been prepared in accordance with Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94-429), Section 8 of the National Park System General Authorities Act of 1976, and provisions of the National Historic Landmark program at 36 CFR 65.

TABLE OF CONTENTS

ABSTRACT	1
INTRODUCTION	3
Implementing Authorities	3
Previous Notifications and Status	3
INVESTIGATIVE METHODS	4
LEGAL MANDATES AND PROCESSES	5
Federal Law	5
State Law	6
County Ordinances	7
Certified Local Governments	7
Conclusions	8
IDENTIFICATION OF RESOURCES	9
Architecture	9
Archeology	9
Historic Landscape	10
Conclusions	10
EVALUATION OF RESOURCES	11
Architecture	11
Archeology	12
Historic Landscapes	12
RESOURCE PRESERVATION PLANNING AND TREATMENT	13
MINING AND OTHER PROJECTS 1978 - 1988	15
Findings	26
CONCLUSIONS AND RECOMMENDATIONS	28
SOURCES CITED AND USED	36
INDIVIDUALS CONSULTED	39
APPENDICES	40

LIST OF MAPS

GENERAL MAP OF VIRGINIA CITY NATIONAL HISTORIC LANDMARK	3
COMSTOCK PROJECTS 1978-1988	14

LIST OF FIGURES

Figure 1. Historic structures and landscape: New York Mine and associated headframe and tailings.	11
Figure 2. Gold Hill and the Divide.	15
Figure 3. The Con-Imperial Pit on the Divide	16
Figure 4. Crown Point Ravine with Con-Imperial Pit overburden.	17
Figure 5. The Overman Pit.	18
Figure 6. The Gold Hill Masonic Cemetery on the southern edge of the Overman Pit.	19
Figure 7. Donovan stockpile reclamation in center, Drysdale and Hartford recycled dumps in foreground.	21
Figure 8. Keystone Pit in Gold Canyon	23
Figure 9. The Crown Point Mill in Gold Hill	24
Figure 10. Andes Cut on west side of Virginia City	25
Figure 11. Dayton Sand and Gravel Quarry	26
Figure 12. Slope failure, property undermining, and subsequent erosion scarring at the Con-Imperial Pit	29

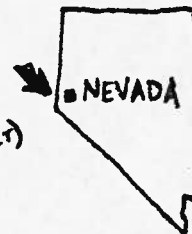
ABSTRACT

The Virginia City National Historic Landmark District, recognized as one of America's preeminent historic mining districts since its designation on July 4, 1961, is losing its historic character and physical integrity. Threats to the integrity of the Landmark have resulted from the cumulative effect of several factors. Applicable legal mandates and regulatory guidelines have been inadequate to ensure conservation of the range of historic properties that contribute to the Landmark. Historic resources within the district have been incompletely recognized, inventoried and evaluated. The absence of preservation review processes have impaired efforts to identify and mitigate adverse effects resulting from contemporary mining and other land altering uses of the Landmark. Planning to conserve the historic resources of the Landmark has been hindered by a failure to consider all potentially contributing resources, and by a failure to plan for the Landmark in its entirety.

In accordance with Section 9(a) of P.L. 94-429, it is recommended that the Secretary of the Interior formally request the assistance of the Advisory Council on Historic Preservation in determining alternative methods to mitigate or abate the plight of this National Historic Landmark. The following report presents basic information regarding the current status of the Landmark and offers recommendations for the Advisory Council's consideration.

DRAFT

TO RENO



VIRGINIA CITY
NATIONAL HISTORIC
LANDMARK

MILES



WASHOE
COUNTY

Virginia City

Gold Hill

Hwy. 341

Hwy. 392

STOREY COUNTY
LYON COUNTY

Silver City

(NHL BOUNDARY)

Sutro

Hwy. 50

Dayton (COMSTOCK DISTRICT
+ NHL BOUNDARY IDENTICAL)

Mound House

ARSON CITY

INTRODUCTION

Implementing Authorities

The following report was prepared in accordance with several laws and regulations which direct the National Park Service (NPS) to monitor the condition of and provide technical assistance to the owners of National Historic Landmarks (NHLs). It was initiated in response to two separate notifications to the Secretary of the Interior from the Nevada State Historic Preservation Officer on March 3, 1988 and on April 8, 1988. The notifications, made originally by the Administrative Assistant for the Comstock Historic District Commission, alleged threats and damage to the historic character of the Virginia City National Historic Landmark District in Storey and Lyon Counties, Nevada (hereinafter the "Comstock District" or "Landmark"; see Enclosures 1 and 2), as a result of current mining activities. The Western Regional Office of the NPS, Division of National Register Programs (hereinafter WRO), investigated these activities in accordance with Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94-429) which states:

Whenever the Secretary of the Interior finds on his own motion or upon being notified in writing by an appropriate scientific, historical or archeological authority, that a district, site, building, structure, or object which has been found to be nationally significant in illustrating natural history or the history of the United States and which has been designated as a natural or historical landmark may be irreparably lost or destroyed in whole or in part by any surface mining activity, including exploration for or removal or production of minerals or materials, he shall notify the person conducting such activity and submit a report thereon, including the basis for his finding that such activity may cause irreparable loss or destruction of a national landmark, to the Advisory Council on Historic Preservation, with a request for advice of the Council as to alternative measures that may be taken by the United States to mitigate or abate such activity.

This report is also prepared in accordance with other mandates regarding threatened NHLs. Threats to landmarks are monitored, assessed and reported on by the NPS in compliance with NHL Program regulations (36 CFR 65) and Section 8 of the National Park System General Authorities Act of 1976. Section 8 of the General Authorities Act requires the preparation of an annual report to Congress identifying all NHLs that exhibit known or anticipated damage or threats to the integrity of their significant resources. NPS ensures the accuracy of information in the Section 8 report by periodic visits to NHLs, communication with property owners, and specialized condition assessments of damaged landmarks.

Previous Notifications and Status

Over the past ten years, the Department of the Interior has received other notices regarding threats to the Comstock District. In 1978, James Mills of the San Francisco office of the Heritage Conservation and Recreation Service (HCERS),

met with Pamela Crowell of the Nevada State Historic Preservation Office to discuss a potential threat to the buildings and environment of the historic district by proposed reopening of the Con-Imperial open pit mine by the Houston International Minerals Company (also known as Houston Oil and Mineral Company, hereinafter Houston). In that same year, James Sheire, of the Historic Sites Survey Division of the Washington D.C. office of HCRS, conducted an evaluation of alleged damage to the Landmark from Houston's project.

At that time, HCRS determined that the Landmark was not being adversely affected, but that careful monitoring was necessary and a planning review process was needed for future mining activities. The 21 acres of land involved in Houston's project was deemed an acceptable loss in relation to the 14,700 acres of the Landmark, and although the project was located in one of the most significant areas of the Landmark, only three historic buildings would be impacted. Houston had also indicated its willingness to meet its responsibilities toward historic preservation in the future by complying with relevant existing ordinances, and by reclaiming the pit and dump areas upon project completion. As a result, Interior determined that a request for advice from the Advisory Council under Section 9(a) of P.L. 94-429 was unnecessary.

In November 1979, HCRS Director Chris T. Delaporte requested another investigation of the Landmark because of further expansion of surface mining by Houston.

Since 1977, the Comstock District has been listed as an endangered National Historic Landmark in seven of the eleven annual reports submitted to Congress in accord with Section 8 of the General Authorities Act. The Landmark was originally listed because of threats to the historic structures and Highway 342 at Greiner's Bend from Houston's and subsequent mining activities. This has been compounded by additional loss, disrepair and neglect of historic buildings on the historic district, including the recent court ordered demolition of the Black & Howell Building.

INVESTIGATIVE METHODS

Based on a review of the record of historic preservation and mining activities within the Comstock District, the WRO determined that an evaluation of the effects caused by specific projects named in the notification would not suffice to delineate the condition of the Landmark. Previous investigations focussed on specific projects and thereby failed to provide a comprehensive assessment of the Landmark's situation. A more inclusive and cumulative assessment - beyond the level of a particular project - was necessary to discern whether the integrity of the Comstock District was in jeopardy and why. A sufficient evaluation would involve several key areas including:

1. Mandates and Processes. Do adequate legal mandates and review processes exist to ensure conservation of the significant resources of the Comstock District?
2. Identification of Resources. Have the full range of historic properties that compose the Landmark been identified and inventoried in

a manner that would facilitate their use in resource planning and management?

3. Evaluation of Resources. Have identified historic properties been evaluated to determine their contributive value to the Landmark, their individual significance in state or regional history, or their scientific, interpretive or other values so that decisions about the need for conservation of important historic properties can be easily supported?

4. Resource Planning. Have plans been developed to ensure the long term preservation of the contributing resources of the Comstock District?

5. Mining and Other Projects. Based on the management contexts established in items 1-4 above, have mining or similar earth disturbing projects over the past ten years damaged historic properties, or caused a threat - either individually or cumulatively - to the integrity of the Comstock District?

Onsite inspections, public meetings and documentary analyses were determined to be the most expedient means of addressing the management questions raised. To this end, Ann Huston (Historian) and Leo R. Barker (Historical Archeologist) of the WRO, visited the Landmark and vicinity on June 19-22, 1988 to examine the alleged threats reported to the Secretary of the Interior.

LEGAL MANDATES AND PROCESSES

Federal Law

The majority of land on the Comstock District is privately owned and includes a labyrinthine network of historic mining claims. Federal laws requiring historic preservation and environmental compliance generally do not apply on these lands. The Bureau of Land Management administers a small percentage of land in the Landmark where the National Environmental Policy Act of 1969, the National Historic Preservation Act of 1966 (as amended), the Archeological Resources Protection Act of 1979, and other legislation would apply. However, most mining or ground disturbing activities in the Comstock District do not occur on these lands.

It is possible that compliance with Section 106 of the National Historic Preservation Act may be necessary for projects that require permits for air and water quality from the Nevada State Division of Environmental Protection for mill solution waste disposal and related environmental issues. As far as could be determined, to date no Section 106 consultation has been conducted in relation to such permits issued within the Landmark. The permit process results from nationally mandated programs of the Environmental Protection Agency which may be construed as Federal undertakings. Preliminary discussions with the EPA Historic Preservation Officer indicate that EPA views these permit processes as delegated to each state's approved environmental protection program and therefore responsible solely to the existing state and local mandates for historic preservation.

As mentioned above, Section 9(a) of the Mining in the National Parks Act of 1976 (P.L. 94-429), Section 8 of the National Park System General Authorities Act of 1976, and 36 CFR 65 (National Historic Landmarks Program), each provide Federal mandates for monitoring, investigation and reporting on the welfare of NHLs and alternatives to seek remedies to threats and damage to the integrity of the historic character of such Landmarks.

State Law

The State of Nevada Legislature established a Virginia City Restoration Commission in 1963 to study the preservation needs of the Landmark. The Commission's work was continued through 1967, when it produced a report that led to the passage the Virginia City Historic District Act in 1969. The Virginia City Act formally established and mandated the Virginia City Historic Commission to define boundaries and administer preservation efforts on the National Historic Landmark designated by the Secretary of the Interior in 1961. Section 3 of the Act set forth the intent behind the law:

It is hereby declared to be the public policy of the State of Nevada to promote the educational, cultural, economic and general welfare and safety of the public through the preservation of structures, sites and areas of historic interest and scenic beauty, through the maintenance of such landmarks in the history of architecture, and the history of the district, state and nation, and through the development of appropriate settings for such structures, sites and district.

The Virginia City Act was amended and renamed the Comstock Historic District Act in 1979. The Comstock Historic District Commission (CHDC), renamed by the Act, is responsible for the evaluation of projects involving building restoration, alteration, moving, demolition or new construction within the historic district. The CHDC is empowered to review such actions and issue Certificates of Appropriateness to those which preserve the historic integrity and character of the Landmark, as well as fine others for not complying with the Commission's findings and recommendations. The CHDC is composed of nine members including a representative from both the Lyon and Storey County Commission, a member of the State Historic Preservation Office, two architects, and four local citizens with demonstrated preservation interests.

Promulgation of the Act's mandates has focussed almost entirely on the review and approval of projects involving buildings and structures within the Comstock District. Review of projects potentially affecting the Landmark, but which do not involve historic buildings or structures, is covered by the ordinances and permit processes of Lyon and Storey Counties, within whose borders the Landmark is located.

A second State law with application in the preservation of the Comstock District is the Nevada Mining Law of 1875. The law grants the right of eminent domain to mining enterprises in the State of Nevada. On October 22, 1979, the 1875 law of eminent domain was raised by Houston to continue its expansion of the Con-Imperial surface mine at Gold Hill. Property owners affected by Houston's

condemnation procedure filed suit against the company based on the position that their properties had historic value. The District Judge found that although the argument of historic value was intellectually and morally appealing, the eminent domain law would not allow him to rule in their favor (Rocha 1980).

County Ordinances

The Comstock District is located within the boundaries of Lyon and Storey County, Nevada. Neither of these counties currently has its own historic preservation ordinance, specialized historic zoning or related planning mechanisms to deal with issues of cultural resource management.

Both counties require special use permits for activities such as mining, but the requirements of such permits vary widely between counties. Storey County focusses mainly on issues of health and safety in their review of such permit applications, and the review is conducted by the County Board of Commissioners. Lyon County has instituted an environmental review procedure for mining permits within the Comstock District which includes consideration of cultural resources that might be affected by the project. Lyon County has delegated its review of these historic preservation issues within the Landmark to the Comstock Historic District Commission. Lyon County also has advisory councils in Dayton and Silver City which conduct local meetings to review and comment to the County Commissioners on projects and community problems.

Certified Local Governments

At the beginning of this study, both Lyon and Storey Counties were approved Certified Local Governments (CLG) in accordance with the National Historic Preservation Act of 1966 (as amended) and 36 CFR 61. Both counties used the Comstock Historic District Act and Commission as the legal apparatus necessary to satisfy the requirements of membership in the CLG program. Storey County was certified as a CLG on July 3, 1986. Lyon County was certified October 9, 1986. Use of the Comstock Historic District Act has created some problems, at least in terms of compliance with CLG mandates, because the Act does not apply to either county's total jurisdiction and the Commission focusses only on buildings and structures within the Landmark. Archeological, landscape and other historic properties are not specifically considered.

The method of obtaining CLG status for Storey and Lyon Counties created unclear responsibilities for the Historic Commission within the Landmark. Mandated by a State law that focussed on review of building projects, the inclusion of the Commission as the CLG Review Board for the two counties broadened the intended purpose of the Historic Commission to include the review of preservation issues and development projects it was not mandated to consider by Nevada law. Since Storey and Lyon CLGs also used the Comstock Historic District Act as the required historic preservation ordinance necessary for certification, no county ordinances exist to parallel the National Historic Preservation Act in accordance with Federal and State requirements of the CLG.

Shortly before the onsite review the Nevada SHPO received notification that the

actions of the Storey County Commission toward cultural resources were inconsistent with their CLG Guidelines. Storey County had requested a CLG grant to hire a historical archeologist to conduct archeological investigations in association with mining projects, but the need for CHDC review remained in accordance with CLG Guidelines. The county intended to use the survey information in permit reviews by the county Board of Commissioners. The SHPO wrote to Storey County regarding the problem and requested that a procedure be implemented to ensure that the CHDC still had an opportunity to conduct a review of mining permits for historic preservation purposes. As a result of this request, Storey County decided to withdraw from the CLG program.

Lyon County was also informed of their need to comply with CLG Guidelines. Cultural resources within their jurisdiction needed to be identified and afforded the same protection as those within that portion of the county containing the Comstock District. A local preservation ordinance was needed that applied to the entire county. As a result of these requests, the Board of Commissioners requested decertification from the CLG program.

The SHPO asked Storey County to reconsider its decision and proposed that a special committee be established to address the issue of mining and tourism/preservation in the historic district. Initially the committee was proposed to include 12-15 people, consisting of a range of individuals including the SHPO, representatives of Lyon and Storey counties, members of the Comstock Historic District Commission, the Department of Minerals, Nevada Heritage, the mining industry, and local citizens. The SHPO further requested that Storey County apply for a CLG grant to retain a temporary, contract employee to serve as staff to the committee. Although not finalized by the date of this report, the proposed committee has become increasingly more restricted in focus, concentrating on Storey County residents and members acceptable to Storey County Commissioners; in particular there is a stated concern that no resident of Silver City be on the committee.

There was no immediate plan to establish a parallel committee for Lyon County. During the investigation, the Deputy SHPO noted that the best approach to management of the historic resources of the Comstock District may be to allow Storey and Lyon County to individually decide what resources need to be preserved and how to manage the historic district. Subsequently, the SHPO indicated to Storey County that their participation on a special committee to examine the problem of mining on the Comstock District would meet CLG certification requirements in the short-run.

The actual CLG status of both counties remains uncertain, and the proposed advisory committee has not yet met.

Conclusions

State and local mandates constitute the primary avenue for achieving resource conservation on the Comstock District. Currently, state mandates have not been interpreted in a manner that would allow the full range of contributing properties within the Landmark to be addressed. In particular, archeological and historic landscape issues have not been effectively incorporated into the deliberations of the Comstock Historic District Commission.

Existing county ordinances further impede reasonable conservation decisions by segregating the review of mining and related projects from the purview of the CHDC, and by the absence of explicit procedures for identifying and considering important historic properties in permit decisions.

IDENTIFICATION OF RESOURCES

Architecture

Inventory efforts have focussed on architectural resources since the earliest studies of the Landmark by the Historic American Building Survey in 1939 and 1940. In 1979, Heather Hallenberg conducted a partial inventory of buildings, focussing on Virginia City and a small sample of structures from the outlying communities of Dayton, Silver City, and Gold Hill. Hallenberg's study was supported by the National Trust for Historic Preservation and the Nevada Division of Historic Preservation and Archaeology, and was used to establish design guidelines for the Comstock District's buildings.

In 1980, the survey inventory of the Landmark was greatly expanded by the Comstock Project, an Historic American Engineering Record (HAER) structural inventory conducted by the Heritage Conservation and Recreation Service, Department of the Interior (HCRS 1980f). The Comstock Project was the first comprehensive inventory of historic buildings and structures within the district. Although insufficient information was compiled to evaluate the comparative significance of inventoried properties, the resulting work has constituted a critical resource for the CHDC in making decisions about the conservation of historic building stock and style on the Landmark. The Comstock Project also produced initial archeological and economic planning studies, walking and driving tour guides, and further developed design guidelines for the buildings and streetscapes of the historic district. (HCRS 1980b, 1980c, 1980d; Hardesty 1980).

An updated survey and inventory of buildings and structures was conducted by Ana Kovel and Allan Comp in 1985 (Kovel et al. 1985). This study was supported by a grant from the Nevada Division of Historic Preservation and Archaeology, and matched and administered by Storey County. It focussed solely on Virginia City, and constitutes a total survey of all existing structures, regardless of age or condition, within the town as of September 1985. A complete structural inventory of those areas of the Landmark outside of Virginia City has yet to be completed.

Archeology

To date there is no consolidated inventory of archeological properties available for use by the CHDC or any other decisionmaking body on the Comstock. Sporadic surveys, historic research and management planning by local and Federal agencies have resulted in the recording of a number of such properties (Hardesty and Firby 1980; Hardesty et al. 1982; Hattori 1975, 1980; Pendleton et al. 1982;

Seelinger 1977)). Some of this information is available through the archeological site inventory housed in the Nevada State Museum annex in Carson City.

A general plan for identifying archeological resources was developed during the HAER Comstock Project (Hardesty and Firby 1980). Based on existing documentary evidence, historic overviews and a set of maps were prepared that identified 29 zones representing significant periods and activities related to the Landmark's developmental history. General expectations for the locations and types of properties were then generated for each zone. Some cursory field surveys were also conducted at that time to determine the accuracy of the predictions for each zone. Hardesty and Firby's model was formally tested in 1981 under a grant from the Nevada Division of Historic Preservation and Archaeology (Hardesty et al. 1982). An indefinite amount of the Landmark was surveyed at that time to assess the value of the model in accurately predicting the types of sites that exist within the Comstock District.

Storey County officials recently requested Historic Preservation Funds through the SHPO to acquire a historical archeologist to help identify and possibly mitigate - by recording or data recovery - sites that might be adversely effected by mining or related projects within the Landmark. Although this effort would have helped provide useful survey information, the project was not approved because Storey County did not intend to provide the information to the CHDC for use in project reviews, but intended to use the information for its own Commission's decisions on permit applications. This procedure was inappropriate based on Storey County's CLG status, and their stated use of the CHDC as their preservation review body.

Historic Landscape

To date there has been no coordinated survey to identify and inventory the historic landscape features of the Comstock District. Surveys conducted have occasionally recorded or referenced aspects of the landscape around historic properties.

Conclusions

Some individuals have indicated that sufficient studies and surveys have been prepared to identify and manage the historic resources of the Comstock District. Nonetheless, surveys and inventories accomplished to date have not addressed the full range of historic property types within the Virginia City NHL. Historic buildings and structures are well represented in the current surveys, and completed for the town of Virginia City. Archeological site locations have been predicted by theoretical modelling, but surveys and inventories of important archeological and historic landscape features in the Landmark have yet to be accomplished.

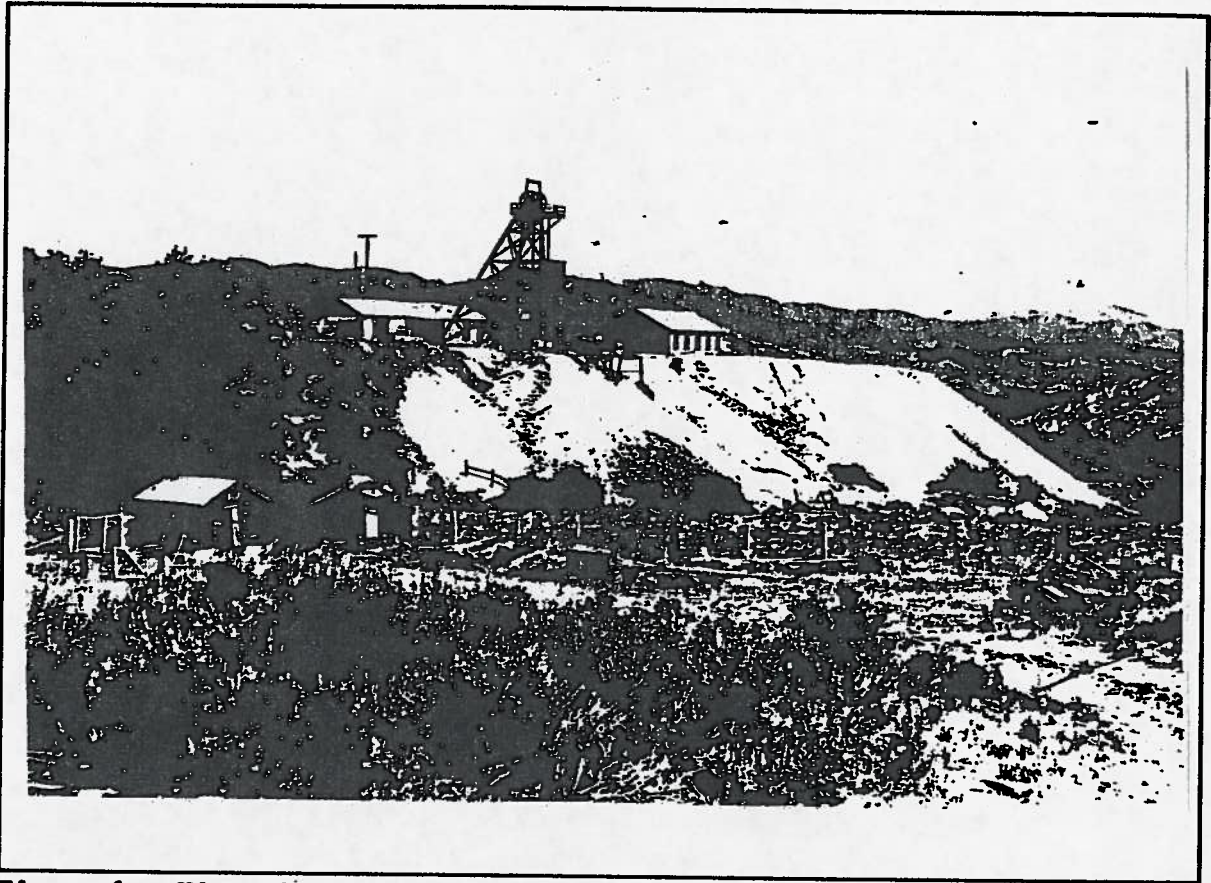


Figure 1. Historic structures and landscape: New York Mine and associated headframe and tailings.

EVALUATION OF RESOURCES

Architecture

The evaluation of inventoried historic buildings and structures within the Virginia City NHL has not been completed. Evaluation of the value of historic buildings and structures surveyed has been sufficient to develop design guidelines for management of the historic district by the CHDC. However, there is little evaluatory discussion in the reports or the site forms, and the majority of property specific information focusses on commercial building uses and general historic descriptions.

As a result of the 1985 study in Virginia City (Kovel *et al.* 1985), an amendment has been proposed to the significance statement of the National Historic Landmark and the National Register of Historic Places form for the Comstock District. If adopted the period of significance for the Landmark will be extended to include the 1900 to 1942 period, incorporating 382 contributing, 65 potentially contributing, and 250 non-contributing buildings and structures within the

Comstock District. These proposals are currently under review by the SHPO.
Archeology

Tentative evaluatory criteria for archeological properties were established by Hardesty and Firby in 1980, and refined following testing of their predictive model in 1981-2 (Hardesty et al., 1982). Both studies recommended specific factors be used in gauging the significance of a site, including:

1. How much information does the site contain, and how intact is it? What is the structure and density of materials in the site, and have prior disturbances damaged its content?
2. What is the research value of the site? Will the site contribute new or useful information in relation to other historic documentation on it?
3. Does the site have symbolic value to the local community, or in relation to important events, places, or people in the history of the Comstock?
4. Is the site an especially representative example of a style or type of historic property?

A tentative sensitivity map showing where significant archeological properties can be expected was prepared (Hardesty et al., 1982). The 1982 study also noted that the following site types would be of primary importance in preservation decisions:

1. pre-boom town mining, milling, and residential sites;
2. Native American seasonal camps, winter villages and related sites;
3. residential settlements of boom town miners or millworkers; and,
4. residential or industrial settlements of ethnic minorities.

A Class 1 cultural resource overview conducted for the Bureau of Land Management's Carson City District (Pendleton et al., 1982) also offers important recommendations for evaluatory criteria by presenting a series of historic and prehistoric research contexts and guidelines.

No action has been taken to further refine or use archeological property evaluation proposals.

Historic Landscapes

The 1980 HAER project inventoried some natural landmarks within the Landmark and the 1985 update of the HAER survey defined some landscape elements - shafts, tailings, ore dumps, etc. - within Virginia City proper. However, there has been no effort to develop a procedure for assessing the value and integrity of the Landmark's cultural or historic landscapes.

The current proposed revision of the National Register of Historic Places form for the Comstock District could effect decisions regarding the value of historic landscape features. Expansion of the period of significance to World War II for architectural resources could result in the incorporation of coeval landscape features such as open pit mines, tailings and dumps as properties that contribute to the character of that period of the Landmark's history.

RESOURCE PRESERVATION PLANNING AND TREATMENT

Preservation planning has been conducted within the Comstock District since the passage of the Virginia City Historic District Act in 1969. In 1970 the first formal planning study on the historic district was developed for the State of Nevada Department of Economic Development (Daniel, Mann et al., 1970). In 1980 a second plan was prepared with assistance from the HCRS Comstock Project (1980b,c,d,e). These studies established basic parameters for the development of balanced planning that would establish mechanisms to preserve the Landmark within the context of the socioeconomic needs of the community; they remain as critical guides today.

The 1985 update survey of Virginia City also revised the economic development plan for this portion of the Landmark (Koval et al.). The objective of the plan is to integrate rehabilitation and marketing of existing historic buildings with community revitalization and the promotion of the tourist industry. The result is a plan which intimates that Virginia City should separate itself from the rest of the Landmark and seek to develop and profit from its history on its own. Equivalent survey documentation is suggested for The Divide, Gold Hill, Silver City, Dayton and Sutro, but there is as yet no coordinated preservation or economic planning for the Landmark as a whole.

In 1987, the NPS provided funding for a condition assessment report for the Washoe Club Building to provide guidance on the structural rehabilitation needs of the building.

Planning efforts have typically focussed only on the architectural resources of the Landmark, in spite of substantial changes in the identification of preservation needs in the Comstock District. Archeological properties were incorporated into planning recommendations in 1970 (Daniel, Mann et al.), and substantially planned for through hypothetical models developed for locating specific types of sites (Hardesty 1980), but little or no effort has been made to systematically inventory, evaluate or plan for the conservation of archeological resources in the Landmark. The contributive value of the Comstock District's historic landscape has been recognized since at least 1961, but there has been no explicit effort to plan for its conservation.



Figure 2. Gold Hill and the Divide.

MINING AND OTHER PROJECTS 1978 - 1988

The following is a summary of surface mining and other projects conducted within or adjacent to the Landmark over the past ten years. Information on these projects have been derived from previous effect assessments, permit applications, and interviews with State, County and CHDC officials. Beside each surface-disturbing project title is a parenthetical number which correlates with locations on the fold out map entitled "Comstock Projects 1978-1988" (see Map 2).

1979: Con-Imperial Pit and American Flat (1a, 1b, 1c, 1d)

In 1979, Houston reactivated operations in the Con-Imperial pit (1a), which was originally opened in 1942-3 by the Sutro Tunnel Coalition. Operations originally involved approximately 21 surface acres of open pit mining at the Con-Imperial pit on Gold Hill, and 15 acres for overburden to be dumped in the Crown Point Ravine (1b). Later references increased the total acreage affected to 57, and then 155 acres.

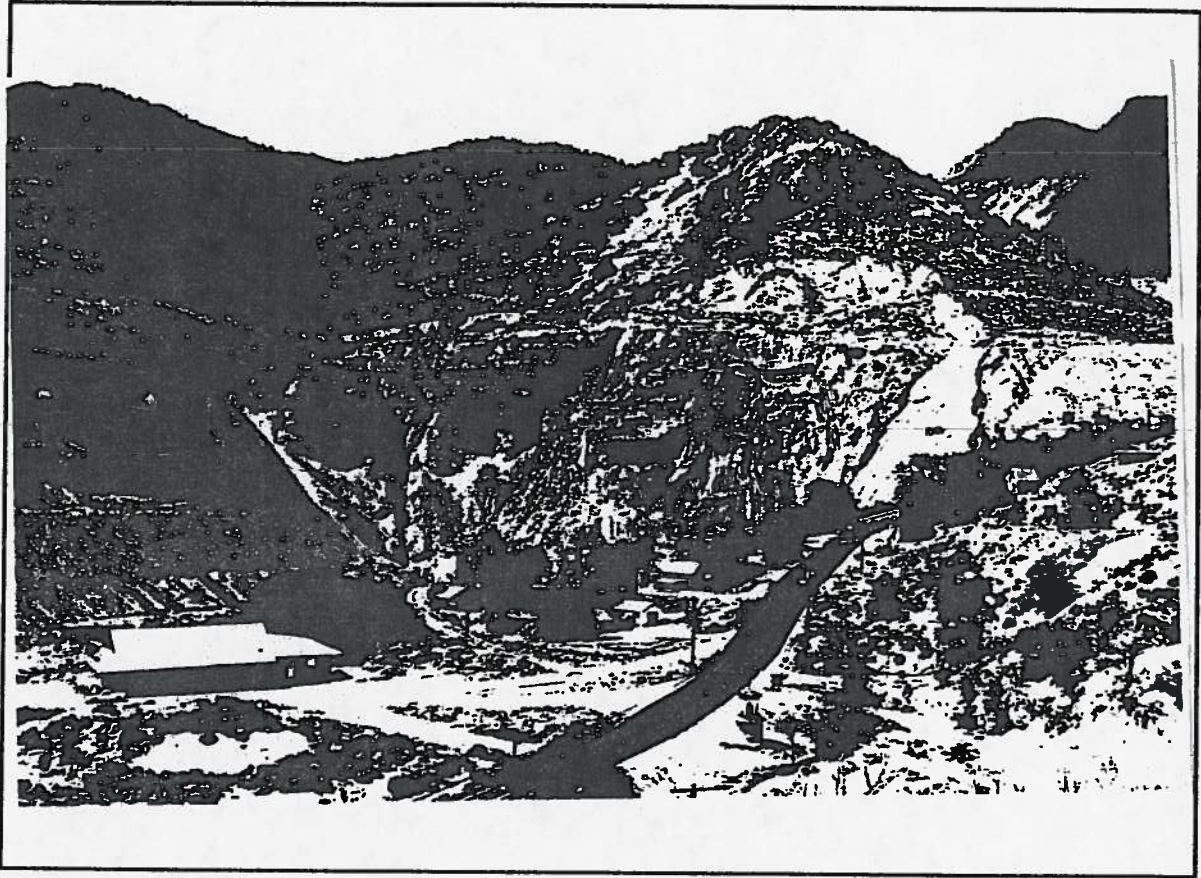


Figure 3. The Con-Imperial Pit on the Divide

Houston built a cyanide flotation ball mill on American Flat (1c) to process ore from the Con-Imperial and other pits on the Comstock District. The mill and its associated tailings pond covered some 25 acres. American Flat was a mining town and mill site in the 1920s.

By 1980, Houston was proposing the relocation of Highway 342 at Greiner's Bend, immediately adjacent to the Con-Imperial pit, in order to further expand its operations (HCRS 1980a). In order to assist in the review of this proposal, HCRS conducted an evaluation of the effects of the relocation project on historic resources. Ten buildings and one mine shaft were identified in the process and seven of the properties were considered significant. It was recommended that one property be preserved in place, two should be preserved on or near their original site, and the remaining four buildings could be moved to a similar location. Other historic values, including the historic corridor of Highway 342, the historic landscape affected in the vicinity, and archeological remains within the impact area were not considered.

Houston was eventually purchased by Tenneco Corporation, which in turn sold its Comstock District holdings to the United Mining Company in the early 1980s. This included all mineral claims and the American Flat Mill. United continued to work several of its claims including the Con-Imperial pit and the Loring cut (1d).

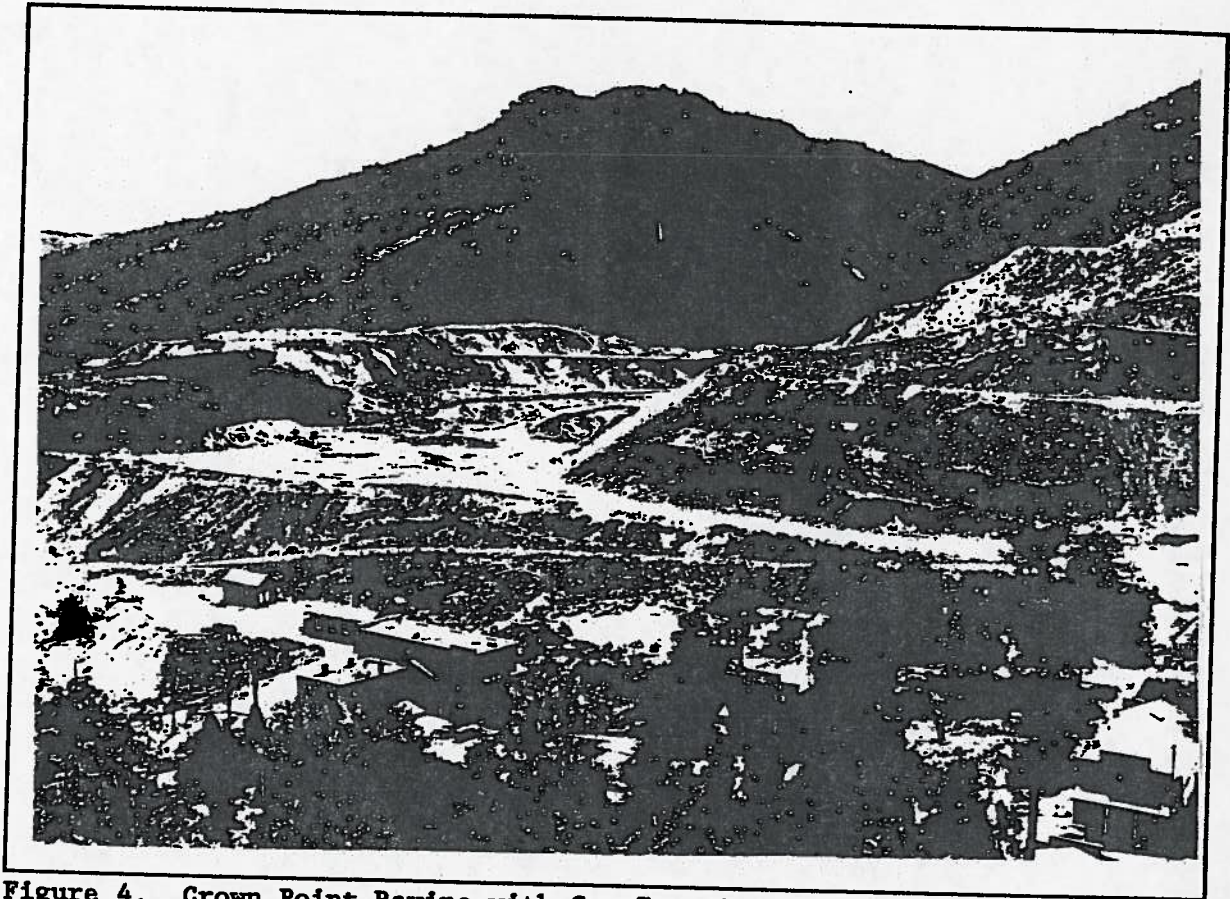


Figure 4. Crown Point Ravine with Con-Imperial Pit overburden.

Following the termination of work on the Con-Imperial, the sides of the pit failed in 1981-2, damaging property to the east, undermining Highway 342, and temporarily ripping loose Virginia City's water supply - an historic engineering property. Later, heavy rains also created a debris flow from the unconsolidated pit overburden that was dumped in the Crown Point Ravine, filling portions of the Crown Point Mill and damaging some property. During the current investigation Highway 342 exhibited stress cracks, suggesting that the road is unstable in the vicinity of the pit's new edge at Greiner's Bend.

~1980: Overman Pit (2)

Houston also conducted work in other pre World War II surface mines within the Comstock District. Work at the Overman pit enlarged the surface mine to the point that its southeastern escarpment is immediately adjacent to and damaging the historic Gold Hill Masonic cemetery.

1984: Haywood-Santiago Pit (3a, 3b)

Nevex Gold Company established an open pit mine in the location of the historic Haywood Mine (3a) in 1984, building a heap leaching plant (3b) immediately adjacent to the pit. Because of the specialized environmental conditions

necessary to allow heap leaching, work was usually done during the winter. Although the project was outside the Comstock District boundary - on the southern side of Basalt Hill in Mound House - it has been included in this analysis because of the continued use of the plant for ore deposits taken from historic mine dumps and mill tailings that contain ore still retrievable by modern techniques.

The Haywood-Santiago surface mine was deeded to Lyon County in 1986 for use as a sanitary landfill. In a defile on Basalt Hill, well out of view from Gold Canyon or Spring Valley, the pit has provided a good location for disposal of county waste, and will eventually reclaim the surface mining site.

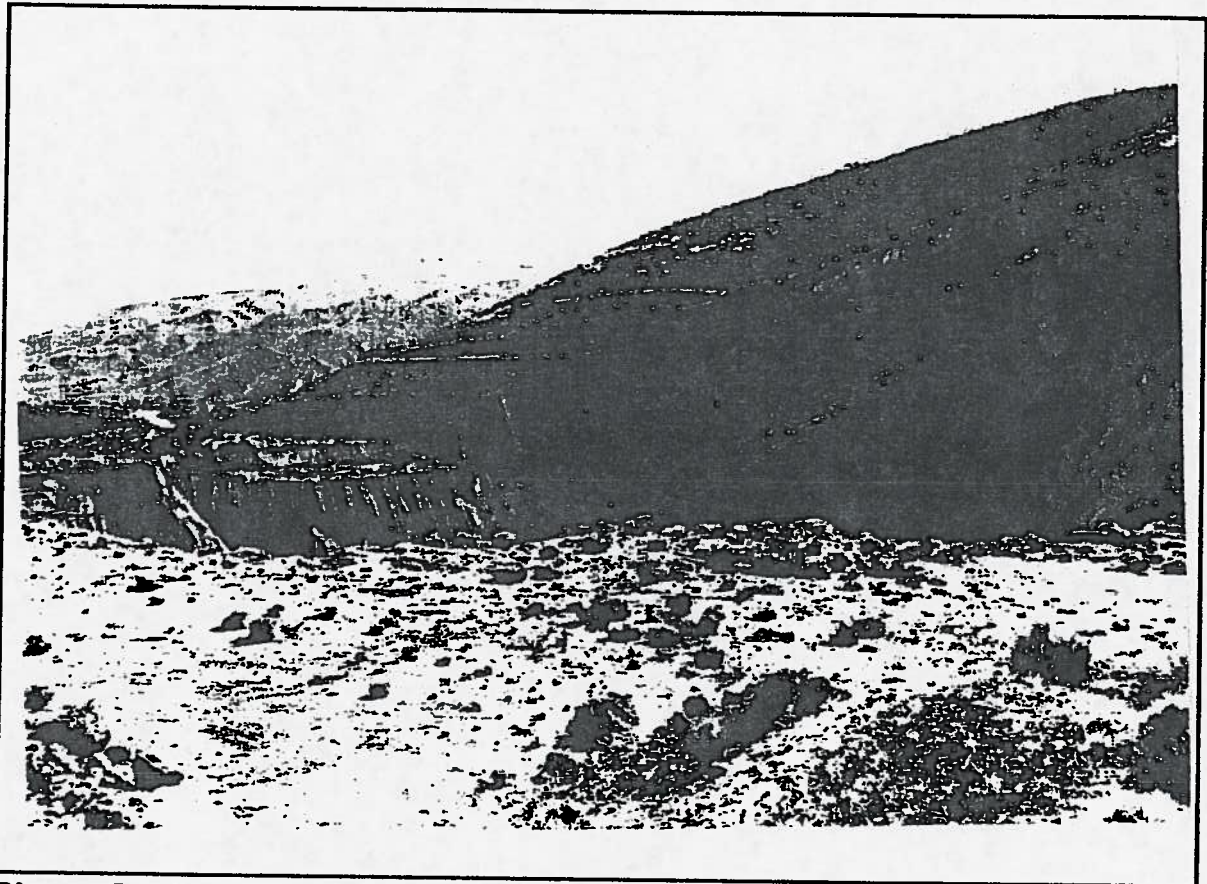


Figure 5. The Overman Pit.

1984: Eglington Placer Claim (4)

Hans Lund Mining Company has been conducting placer mining at the Eglington Claim in Spring Valley since 1984. An archeological survey was conducted of this operation and no sites were located.

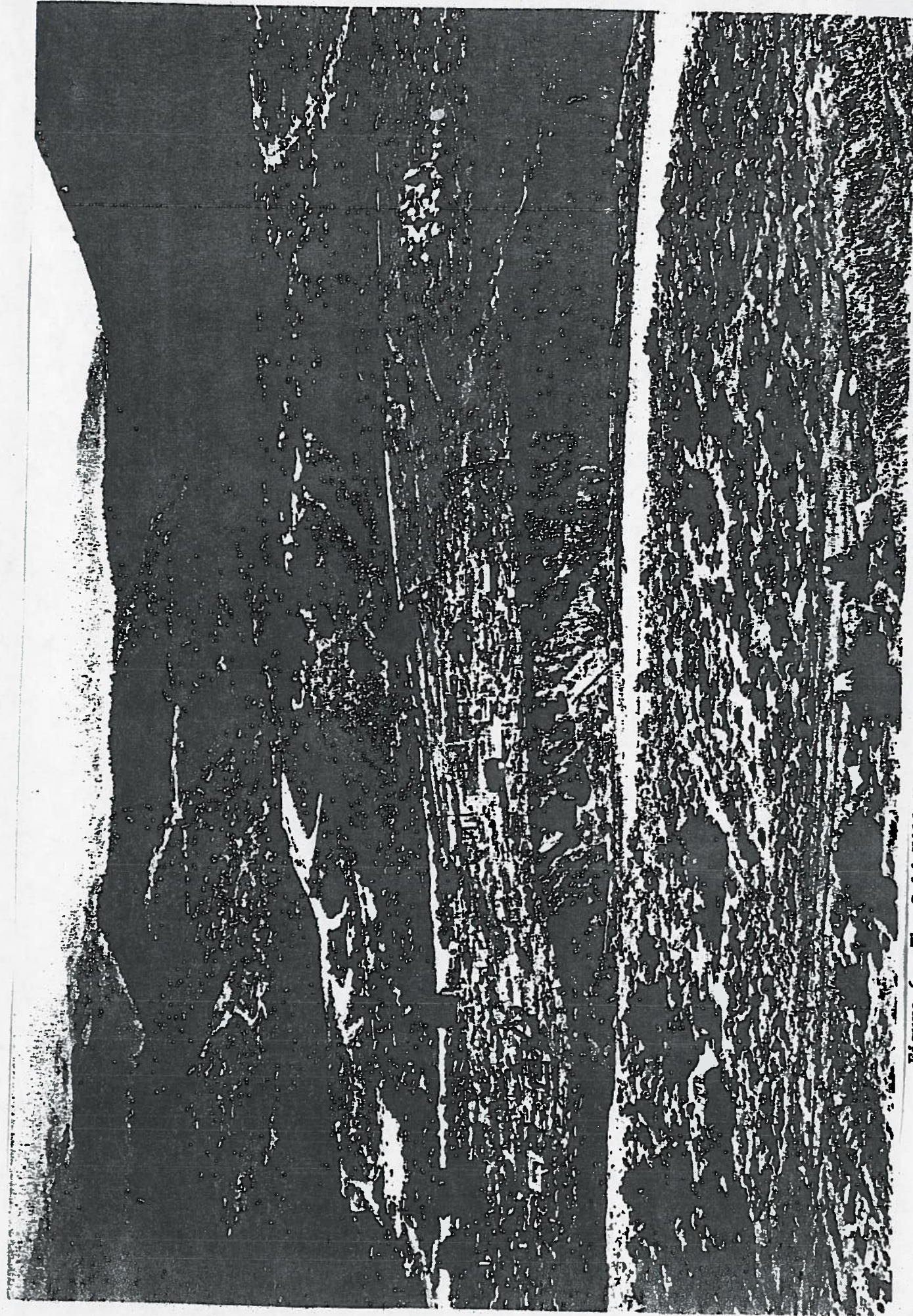


Figure 6. The Gold Hill Masonic Cemetery on the southern edge of the Overman Pit.

~1985: Lucerne Dump (5)

Nevex continued use of the heap leaching plant at the Haywood-Santiago surface mine by hauling and processing previously unprofitable dumps with low grade ore associated with the Lucerne cut in Gold Canyon. Originally believed to have been excavated by hand in the 1880s, the Lucerne cut was further expanded in the early 1940s. An unknown amount of land was affected by this project.

1986: Gold Canyon Mine (6)

The Gold Canyon Mine was an open pit mine proposed in the immediate vicinity of Silver City by the Nevex Company. It was the first project to be reviewed under a revised special use permitting process established by Lyon County that included environmental and historic preservation review as a part of the initial application. This revised permit process was developed in 1982 as a response to controversy created by the adverse effects of the Houston Company's activities, which ended in 1981. By 1986, the project was cancelled after lengthy public criticism. The project would have involved an area of about 20 acres.

1986: Alhambra Project (7)

Alhambra Mines Incorporated began a surface mine and heap leaching operation at the Flowery mining district in Six-Mile Canyon in 1986. After work was underway high levels of cyanide were detected in wells in the vicinity and the operation was shut down in February 1988. Currently the project is dormant. Storey County required a bond for reclamation of Alhambra before a special use permit was issued to them. A \$75,000 bond, valid through 1994, was acquired in the event that Alhambra did not conduct reclamation in accordance with their permit. The CHDC was not consulted regarding the construction of mill buildings and structures associated with the operation.

The Alhambra Project is in the location of an early twentieth century poured concrete, cyanide flotation mill site.

1986: Hartford Dump and Donovan Stockpile (8)

The holdings of Nevex Gold Company were merged into another company, Canyon Resources. Canyon Resources continued recycling abandoned low grade ore dumps by removing approximately 50,000 tons at the Hartford Mine and from stockpiled material removed in the 1940s by William M. Donovan from the Lucerne cut. The ore from these locations was hauled out to the Haywood-Santiago heap leach site in Mound House through 1988. Canyon Resources also posted a \$50,000 bond for reclamation of the heap leach site.

Minor landslides from the reclamation of dumped material from the Hartford and Drysdale mines scoured vegetation downslope leaving open exposures of barren earth down into the Lucerne cut. A partial reclamation was conducted on the Donovan stockpile, also leaving exposed areas of unvegetated soil on the east side of Highway 342. Approximately 3-4 acres of land were affected within the Landmark by the project.

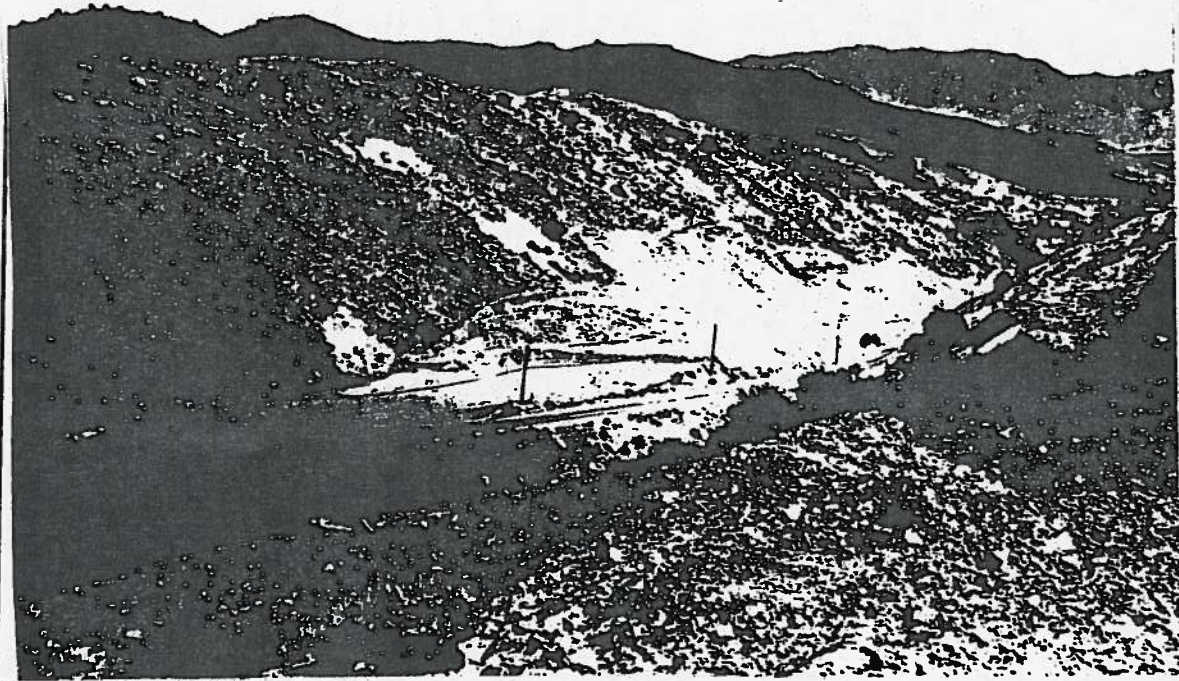


Figure 7. Donovan stockpile reclamation in center, Drysdale and Hartford recycled dumps in foreground.

1987: The Camel Race Pit (9)

Surface mining is not the only development activity affecting the integrity of the Landmark. Projects that alter the land through grading or other construction activities have damaged significant cultural resources. The destruction of major portions of Virginia City's historic Chinatown site illustrates the serious losses such activities can have.

Camel races are a major tourist attraction that has developed in Virginia City beginning with the humorous tall tales of columnist Lucius Beebe. By the 1980s participants from as far as Australia were coming to participate in the competition. In September of 1987 an amphitheater for the races was proposed for an area of open space south of the commercial core of Virginia City. The area selected was identified in Hardesty's 1980 study as the location of the historic Chinese community of Virginia City. Intact archeological remains had also been found by minimal excavations used to test the presumed identity of the site. Although there was some controversy regarding the right to build the amphitheater on the land selected, the project was constructed. At the same time the arena was built, the entire open space to the south of the arena, constituting the core of the Chinatown site, was graded to create a terraced set

of parking areas out of the gradually sloped surface. Approximately 4 acres of land were graded, most of which contained the historic archeological site.

Interviews with eyewitnesses indicate that the general public was allowed free access to the property resulting in several days of digging and artifact hunting in the site's exposed and ruined features. As far as could be ascertained, no action was taken by any agent to document or recover the remains exposed in a scientific manner. After four days of vandalism by relic hunters, a recommendation by Dr. Hardesty was followed and portions of the site were covered with a layer of gravel.

The complete loss of many features and the mixing of the site's stratigraphy will impede any future effort to study this historic community. Given the general absence of the Chinese community in the social and economic history of the Comstock District, damage to this site has ruined a major, if not the principal, source of knowledge about a significant segment of the Landmark's historic population.

The Chinatown site had been threatened previously in May-June, 1987 by a proposal before the Storey County Commission that would have converted the site into a children's arcade. At that time the CHDC reviewed the proposal and recommended that the project not be allowed because of the archeological site present. Their comments were forwarded to the Storey County Commission who were ultimately responsible for a decision on the matter.

1987: Storey County Sanitary Landfill Site (10)

Storey County has established a sanitary landfill in Six-Mile Canyon. The dump is visible from the commercial district in Virginia City.

1988: Crown Point Mill Project (11a, 11b, 11c, 11d)

This project, by the Art Wilson Company, will involve the rehabilitation of the depression era Crown Point Mill (11a) in Gold Hill to process ore taken from the historic Keystone pit (11b) in Gold Canyon. As currently planned the Keystone pit will be expanded, overburden will be stockpiled in the vicinity, and ore will be hauled to a crushing plant on a knoll west of the pit (11c). After crushing, the ore will be brought to the mill on existing haul roads, and processed. The mill waste will be stockpiled in drying pads with runoff ponds, and eventually dumped into a specialized tailings dump in the Overman pit (11d). An estimated 27 acres will be involved in the project, not considering existing haul roads.

The Crown Point Mill is the only depression era cyanide mill remaining on the Comstock with intact machinery and structures from its original construction and use. Fragments of mill structures exist, but the only other intact mill, the Dayton, is composed of machinery salvaged from numerous Comstock mills ranging across several technological periods. Much of the Dayton Mill was originally the Flowery Mill built in Six-Mile Canyon, and was moved to its current location south of Silver City in 1932.

Art Wilson's project to rehabilitate the Crown Point Mill is noteworthy in that it is an adaptive reuse of existing historic fabric and machinery that might

otherwise be eventually lost to disrepair, decay and erosion. The crushing site and tailings dump are outside of the typical visitor's viewshed of the Landmark. As a part of this rehabilitation, Mr. Wilson noted that a photographic essay was conducted of the entire mill prior to initiating any rehabilitation work. This study was conducted by an individual with the Nevada State Museum.

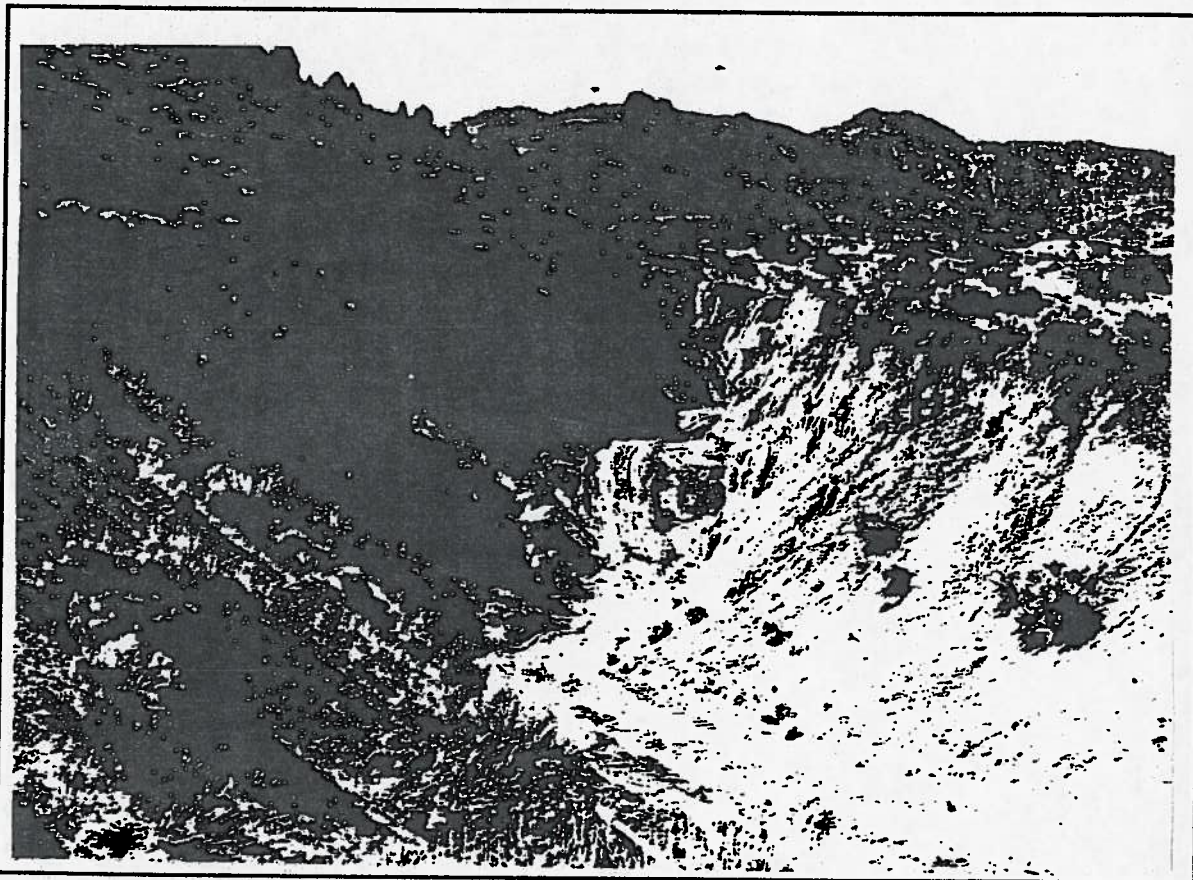


Figure 8. Keystone Pit in Gold Canyon

The Crown Point Project will initially process ore from an expansion of the historic Keystone pit along Highway 342 in Gold Canyon. Current plans will enlarge the existing pit by half again its current size. Because surface mining will be within 40 feet of the main transportation corridor of the Landmark, a buffer berm will be created to cut off view of the operations from the road. All hauling will be conducted on existing dirt haul roads on the west side of the Canyon. When the project is complete, Wilson intends to reclaim the pit with waste materials and grade to the level of Highway 342.

Initial permits for the project were approved by the Storey County Commission; one for Crown Point mill operation, the other for mining in Keystone pit, hauling roads and crushing site. Subsidiary approval of external conveyor system was made by the CHDC.

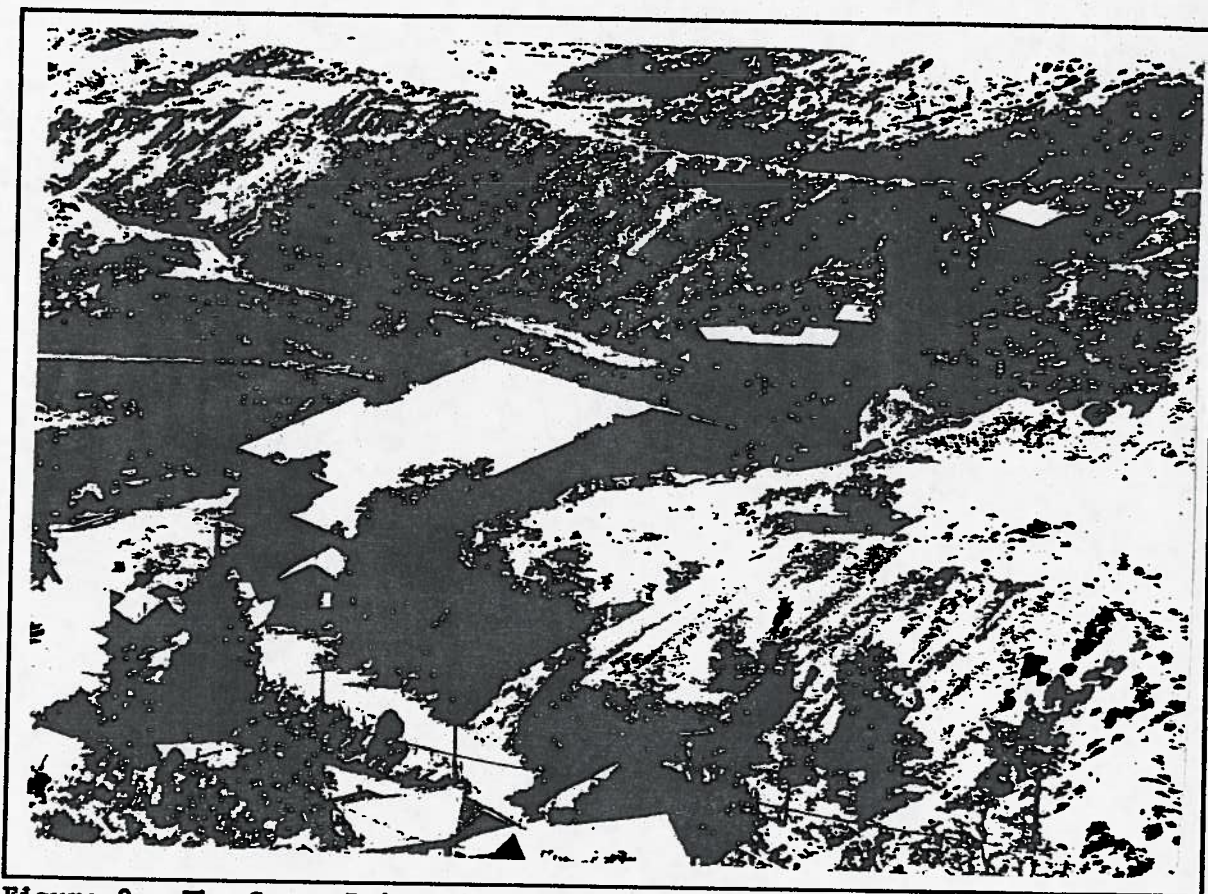


Figure 9. The Crown Point Mill in Gold Hill

Historic research and surveys were not conducted to determine whether historic resources - principally archeological or landscape features - would be effected by the project. The Crown Point Mill is in the immediate vicinity of the site of the Gold Hill School, and portions of the stone shoring walls built to support the V & T railroad are visible on the hill above the mill site. The Keystone pit was an early twentieth century steam shovel cut operation, and may be a representative type of historic landscape property in comparison with others including the Curry, Gould, Sacramento, Cedar Hill, Ophir, West Con-Virginia, or Andes cuts (Koval et al. 1985).

1988: Arizona Mill Tailings (12)

United Mining Company has recently conducted exploratory tests of the ore potential in the historic tailings of the Arizona Mill, which stood on the southeast side of Virginia City. They were also exploring the Hale & Norcross and Savage claims.

1988: Chollar/Potosi, Savage, Hale & Norcross, and Arizona Claims (13)

Compass Minerals is currently planning exploratory tests of the ore potential in the historic tailings of the Chollar/Potosi claims. Exploration is also being

conducted in the Savage, Hale & Norcross, and Arizona claims.

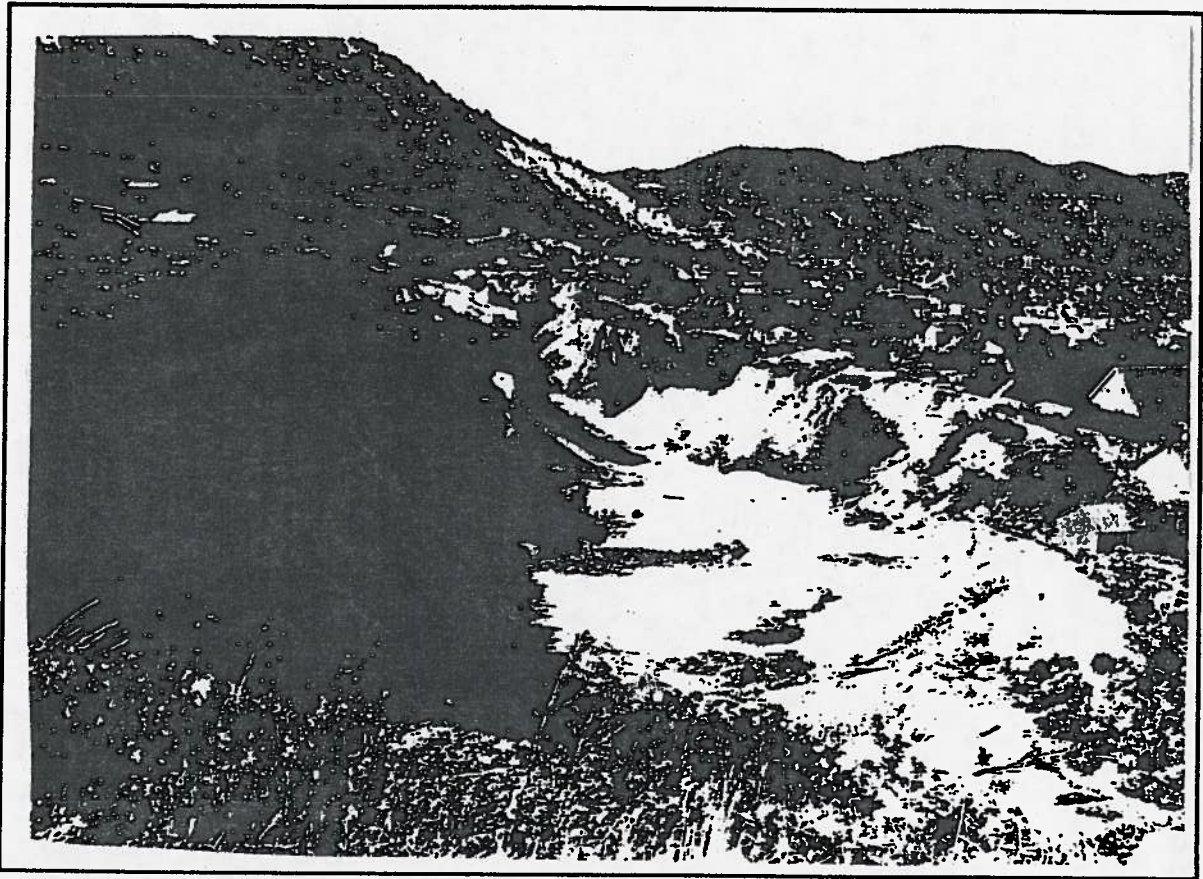


Figure 10. Andes Cut on west side of Virginia City

1988: Gold Bug, Inc. (14)

Exploration and placer mining of portions of a 400 acre claim in the Spring Valley area was initiated by Gold Bug Incorporated in approximately 1983-4, and has continued intermittently to the present.

Ongoing: Dayton Sand & Gravel Company (15)

The Hughes/Eagle Valley Construction Company currently runs the Dayton Sand & Gravel quarry which has operated in Dayton for approximately 25 years. This surface mining operation produces very popular materials for the Nevada State highway system. The quarry is immediately adjacent to the Dayton historic district, a discontinuous element of the Comstock District.

1980s: Underground Mining

Exploration and subsurface mining continue in several places in the Comstock District. Prior to United Mining Company's acquisition of Houston holdings in the Comstock District, underground exploratory efforts were focussed on the

"halo" - low grade ore suffused into the clay and rock around a mineral deposit - in the Hale & Norcross mine. Work was also conducted by United in the Arizona, Chollar and Savage claims. It was United Mining's intent to use the American Flat mill to process any ore deposits located.

Exploration was conducted in the New York mine between 1983-4, and resumed there and at the Ida mine intermittently in 1985-87 by the Art Wilson Company. In 1988, Marshall Earth Resources Incorporated established workings in two new underground mines, including the Ophir and Burning Moscow shafts, and portions of the Con-Virginia claim.

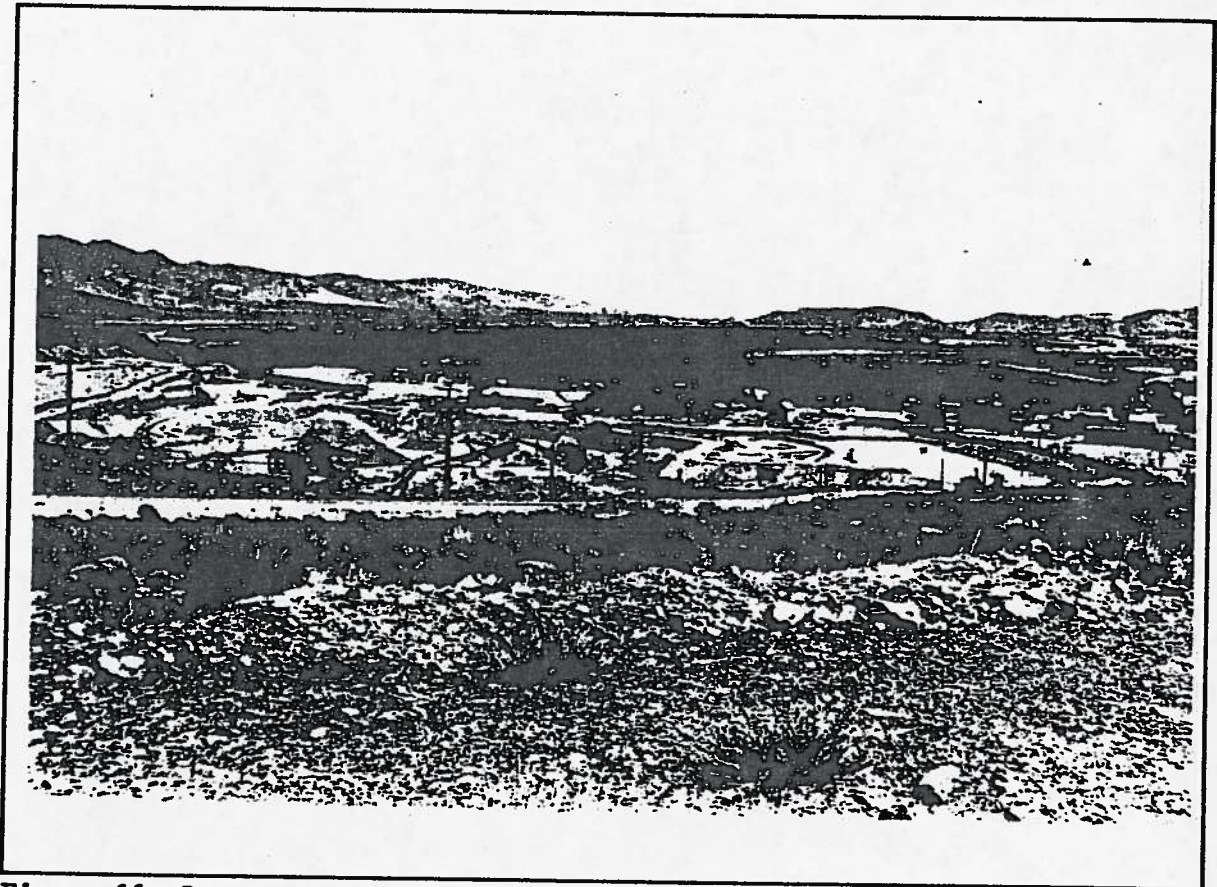


Figure 11. Dayton Sand and Gravel Quarry

Findings

The Comstock District is very large, including over 14,000 acres. But, much of what characterizes and best represents the historic value of the Landmark is in the exact location where mining may occur. The result is a much more finite area of both high expectations for mineral exploitation and for the occurrence of contributing historic resources including buildings, structures, sites and landscape features. The result has been that cumulative post World War II open pit mining and related mill site activities have severely impacted the historic

landscape of the Virginia City National Historic Landmark District. In particular the areas of American Flat, and the western side of Highway 342 between Silver City and Gold Hill in Storey County have been profoundly altered over the past decade by the effects of surface mining, incomplete reclamation of land, and modern milling operations. Over 200 acres in the center of the Landmark - including significant historic landscape and aesthetic viewsheds - have been disturbed by surface mining operations within the last ten years alone.

Historic landscapes, archeological sites, and historic buildings are threatened in other areas of the Landmark by the removal and reprocessing of historic tailings, the opening of new surface mine sites, and by the creation of new landform features - large open pits and heap leach processing sites - that are incompatible with the character of the Landmark. These threats have resulted from the application of new technologies for the refined extraction and processing of minerals from previously unprofitable deposits. The growth of these new technologies and the fluctuation of the value of ores on the marketplace can be seen as a reasonable measure of the increase or decrease of these threats.

Based on historic photographs and documents it is certain that historic archeological sites have been destroyed as a result of surface mining in the Comstock District. It can be assumed that equally significant historic landscape features have been lost. However, the actual number, type, or contributing significance of historic places, landscape, and archeological sites damaged by surface mining or other ground disturbing activities cannot be clearly defined because of the absence of survey information, a unified inventory of these properties, and evaluations of the importance of located properties.

Current mining activities are also obliterating surface mining remains that might have historic value in their own right. Some open pit mines from the first half of the twentieth century, including the Ophir, Loring, Donovan, Keystone and others that used steam shovels, truck and associated pre-World War II milling processes could be considered contributing to the national significance of the Landmark, to the extent that their historic integrity has not been compromised by subsequent expansion after World War II.

Recent updates to the Landmark inventory have expanded the period of significance for the historic district to 1942, and in so doing have suggested a need to reconsider the contributing value of mining operations, technologies and other properties contemporary with those buildings. This expansion of the period of significance does not, however, mean that modern open pit mines, technologies and appurtenances contribute to the historic value for which the Comstock District is currently nationally recognized. In fact, it can be concluded that contemporary surface mining is destroying earlier open pits which might contribute to the historic landscape which characterizes the Comstock District.

The historic character and integrity of the Comstock District is threatened by surface mining and related activities. The Landmark has already been severely impacted by the Con-Imperial and associated projects of Houston and United Mining in the late 1970s to early 1980s. Adverse effects including historic resource and viewshed loss, and the boom and interest in surface mining which it prompted

must still be addressed. The Landmark is also threatened by the cumulative effect of projects such as those for which the Secretary of the Interior was notified under P.L. 94-429. While it may be said that some parts of those projects, such as the rehabilitation of the Crown Point Mill, will enhance the historic character of the Comstock District, the aggregate impact of many small surface mining operations, each seeking to profit from either new ore deposits in the mineralized zones or from recycling of historic deposits, will eventually ruin much of the Landmark's values. Fluctuation in the market value of ore, new technologies that offer access to greater profits from recycled or new ore deposits, and the large amount of privately owned claims and land involved only increase this threat.

However, mining activities are not the sole source of damage and threat to the Comstock District. The Landmark is also threatened by the absence of adequate review procedures, inventories, and preservation planning to cope with the inevitable project by project losses that could result in the eventual demise of this nationally significant place.

CONCLUSIONS AND RECOMMENDATIONS

The majority of sites, structures, buildings and landscape features that contribute to the historic significance of the Comstock District exist within a confined area residing on a highly mineralized zone which is and has been the focus of most historic and contemporary mining activity in the Landmark. At the same time surface mining has been conducted on the Comstock since the earliest hydraulic efforts in the 1850s. More modern open pit mining with power steam shovels and haul trucks began after 1900 and has developed since then with a hiatus from the late 1930s through the end of World War II. The modern process of heap or batch leaching, allowing the microscopic recovery of ore, and the rising value of gold, have added to the strong incentive to reestablish surface mining, and to the growing efforts to recycle old ore dump and mill tailing deposits. The result has been that historic properties, and therefore the Landmark's character, has been damaged and continues to be threatened by a slow accretion of mining projects that are occurring in some of the most important portions of the Landmark.

The actual effects of mining activities on the Landmark's historic properties over the past ten years has been difficult to gauge in this investigation. Surveys do not exist to demonstrate that resources were present. Inventory, evaluatory criteria, preservation priorities and a process to incorporate these elements into the review of projects has been absent for archeological and historic landscapes. However, surface mining and other land altering projects conducted on the Comstock over the past decade can be shown to have had an adverse effect on both the setting and historic properties of the Comstock District. Areas affected include:

- a. the Gold Hill community has been visually impaired by the Con-Imperial pit and associated overburden dumping in Crown Point Ravine. A recognized civil engineering landmark, the original water pipeline (now returned to operation) to Virginia City and the Comstock, was destroyed when the open pit failed and a large landslide undermined and tore out sections of the

system. The slide also severely undermined the main road, an historic corridor, through the Landmark;

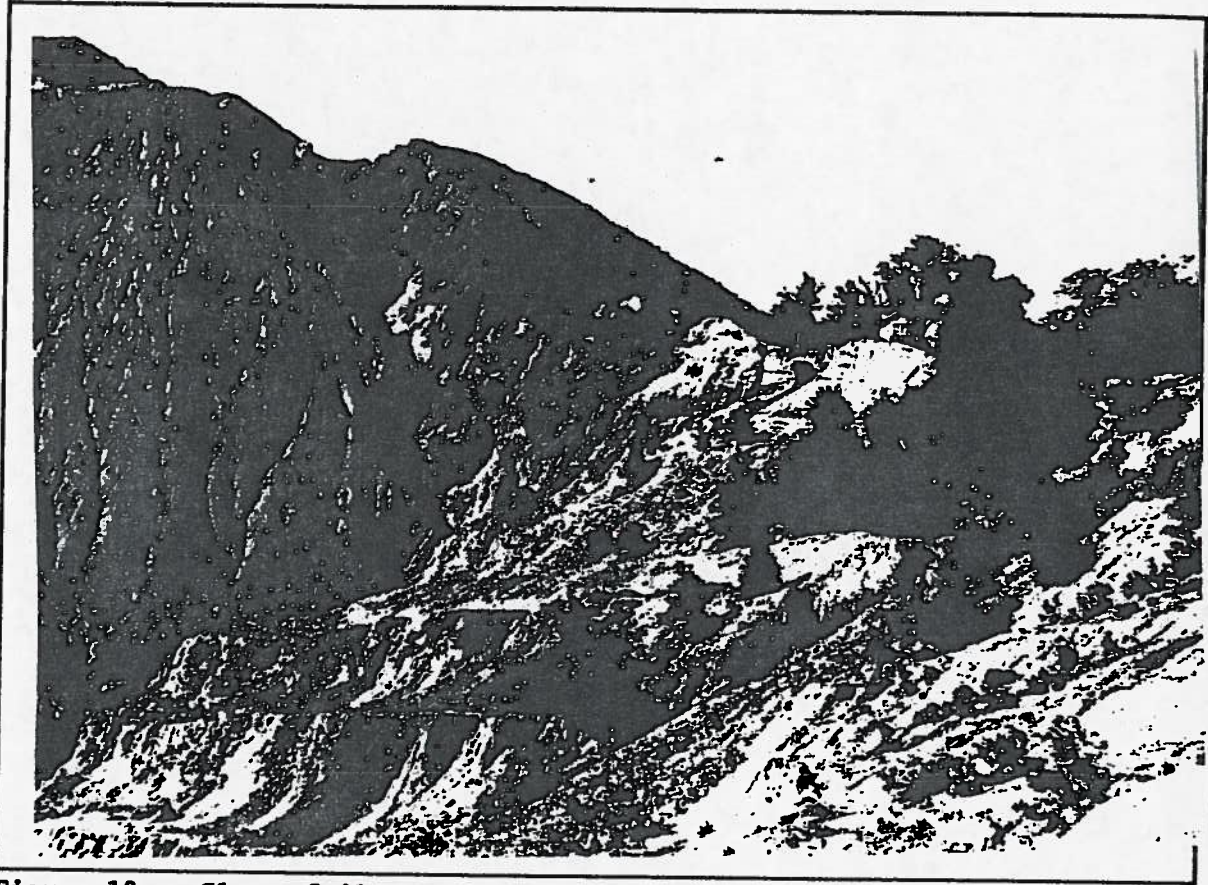


Figure 12. Slope failure, property undermining, and subsequent erosion scarring at the Con-Imperial Pit

- b. historic buildings and sites have been lost, moved or altered;
- c. the setting and possible integrity of the Gold Hill Masonic cemetery has been compromised by the expansion of the Overman pit;
- d. the integrity of the viewshed through Gold Canyon, particularly on the western side, has been severely impaired by renewed surface mines and recycling of older historic cuts, tailings and dumps.

We offer the following comments and recommendations regarding the preservation needs of the Virginia City National Historic Landmark District:

1. The full range of historic resources that compose the Landmark should be formally recognized and considered in the identification, evaluation and planning processes. The boundary of the Landmark was originally chosen to delineate a broad area for preservation attention, not only buildings and structures. This

expansive definition was purposefully chosen for historic mining district landmarks in the western United States. As early as 1961, the NPS regional historian noted of districts like Virginia City, New Almaden Quicksilver Mines, Coloma, and Bodie, "the thing to be preserved is not so much a small cluster of buildings but the entire environmental picture -- town, mines, and surrounding landscape. It is this total picture that we recommend for classification. This is the thing worth recognizing and preserving." The boundaries chosen for the Comstock District/Landmark reflect this concern for the total environment and all important historic properties within it.

Preservation planning goals change from year to year as new information and ideas arise, and as perception of past and its importance develops. With each decade comes greater understanding and recognition of the resources that interconnect and constitute the historic character of National Historic Landmarks. In the 1980s substantial additions were made to the inventory and design guidelines used by the CHDC for the Comstock District. Now preservation planning needs to incorporate archeological and historic landscape issues into the preservation planning process.

2. Archeological properties within the Landmark need to be identified, inventoried and evaluated. Surveys are needed to incorporate important archeological sites (historic and prehistoric) into resource inventories, planning and decisionmaking. Efforts should be made to identify, inventory, and evaluate the importance of such properties. Recognition of the information and interpretive value of archeological properties - both prehistoric and historic - has highlighted the need to preserve important material remains for their historic, interpretive, cultural, and research values. In particular, the disciplines of historical archeology and American material culture have demonstrated that the analysis of artifacts and their context can provide texture, substance and meaning to our knowledge of historic cultures, communities, buildings and people. This information can add substantially to the interpretation, character and record of the Comstock District.

However, research and planning is needed prior to surveys because of the difficulty of evaluating archeological sites from surface information alone and due to the abundance of historic documentation available to help guide survey on the Comstock District. Planning to manage archeological resources, as with other cultural resource types, should follow the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Critical information that should be incorporated into productive survey planning include:

- a. locating and prioritizing survey needs based on identification of areas within the Landmark where future land alteration and development are expected, or where other factors emphasize such need;
- b. maximal use of existing historic documentation and previous research to identify and locate archeological property types within the Landmark;
- c. testing those predictive site location models already generated in concert with survey and inventory development, and revising and incorporating findings into future survey planning;

d. establishing criteria for evaluating the significance of specific archeological property types, or using those established by Hardesty and Firby (1980), and tested by Hardesty et al. (1982);

e. ranking of expected and known property types based on factors including, contribution to Landmark character, individual significance, research value, individual site integrity or integrity in relation to a historic complex (town, mine and mill complex, etc.), and related goals and priorities for archeological sites on the Comstock District.

3. Cultural/historic landscape properties within the Landmark need to be identified, inventoried and evaluated. A landscape survey and inventory based on existing data, aerial photographs, and ground survey of the Comstock District is needed to record and plan for the preservation of important landscape elements and viewsheds that characterize and interconnect the historic buildings, structures and sites of the historic district. Historic landscapes - the tailings, dumps, prospects, roads, walls, adits, complex ruins, and other alterations of and structural associations on the land - have been neglected in preservation planning on the Landmark. Historic land alterations in and around historic sites are now recognized as integral parts of historic properties, because they reflect significant changes in land use and because they constitute the connective tissue that often supports and defines the historic character and integrity of a place. The disciplines of historical geography, landscape architecture, and folklife have become important components of comprehensive preservation planning, and these disciplines have developed methods to inventory, evaluate and outline the preservation needs of the cultural/historic landscape.

A landscape analysis of the Comstock District would provide important information needed to develop design guidelines for use in negotiating projects that would minimize adverse effects on the visual and historic landscape, and in planning decisions regarding important viewsheds in need of special attention and conservation. Mining projects could then better conform to existing and significant features of the historic landscape, so that resulting open pit mines, leach heaps, and other currently incompatible landforms approximate historically contributing landforms, resulting in visual integrity of the historic district, while accommodating continued mining activities.

4. Public education regarding the full range of historic properties that compose the Landmark is needed. Surveys and inventories alone will not promote a broader understanding of the contribution archeological properties can make to the Landmark's value. The focus on buildings as the principal resource to be preserved on the Comstock District has resulted in misconceptions about treatment or definition of other important properties. During the onsite inspection individuals were seen comparing and discussing the monetary value of artifacts removed from the damaged Chinatown site in Virginia City. Another conversation revolved around acquiring a backhoe to more easily dig up privy features on the district to profit from the sale of their contents. At the CHDC meeting a resident of Dayton noted that he had attempted to stop pothunting behind the Bluestone Building. An article in the Comstock Chronicle discussed the value of collecting bottles, providing insights and methods for researching and digging up artifacts. Evidence of an understanding of the overall public loss such activities would result in was rare. Immediate personal gratification appeared

to be the primary invitation of the archeological record. With regard for landscape issues, many individuals expressed their belief that the landscape disturbances created by contemporary surface mining were historic features worthy of interpretation and valuable contributions to the long tradition of mining on the Comstock. While continued mining on the Landmark is a traditional use of the land, there was no clear recognition that perhaps more important and truly historic properties would be lost as a result of an excess of such land uses, and that the Landmark would suffer severely in the end.

Public education about the range of properties that compose the historic district, and the role every individual can play in promoting their preservation is needed.

5. Proactive preservation planning is needed on the Comstock District, beginning with existing data on historic properties. There is an enormous amount of contextual information and planning recommendations on the historic, archeological, architectural and landscape properties of the Comstock District. However, there is currently no group that considers it their responsibility to conduct proactive planning for the long-term conservation of these resources. Historic preservation planning should be made a central responsibility of the CHDC or similar review body, and the use of existing information on the Comstock District should be considered one of the first steps in determining the management needs of the Landmark. Inventory and contextual data for all historic property types should be maintained in an easily accessible form in a centralized location where it can be used in such planning efforts.

6. The Nevada Division of Historic Preservation and Archaeology should continue to work with both Storey and Lyon County to effect comprehensive historic preservation planning within the Comstock District. Changes to legal and regulatory mandates will provide a vehicle for resolving the current lack of preservation review on many proposed projects. It is recommended that efforts be directed toward centralizing preservation planning and review for all historic properties and activities in order to maintain reasonable oversight of the total preservation effort, and to ensure a clear determination of project effects on important resources.

Funding for necessary surveys and planning efforts may be sought from a number of sources. The Historic Preservation Fund of the Nevada State Historic Preservation Office and the Critical Issues Fund of the National Trust for Historic Preservation are possible avenues to acquire money for planning and survey purposes. The NPS occasionally provides funding for condition assessments of endangered landmarks such as the Comstock District, as exemplified by the recent architectural assessment of the Old Washoe Club Building in Virginia City. Funding could also be sought from the Nevada Commission on Tourism, and other commercial and mining interests.

7. Modify the Comstock Act to provide better definitions and responsibilities. Section 384.180 of the Comstock District Act allows the Historic Commission to request necessary changes of the Act to meet the intent of the law. Changes in the Act could be requested to incorporate a contemporary definition of historic resources and their treatment to include archeological sites and historic landscape features. The change in definition would provide a clear mandate for

the CHDC to more effectively coordinate all historic preservation activities on the Comstock. This is a strategy strongly recommended as an effective organizational structure, if provided support by local permitting and enforcement ordinances. The CHDC could also be mandated to work out guidelines and procedures to incorporate the review of effects on all important cultural resources within the Landmark.

It is possible that better efforts to identify, evaluate and plan for the preservation of landscape and archeological properties on the Landmark should be conducted prior to any request for modifications of the Comstock District Act or proposal for local ordinances. This would allow time to more clearly establish the issues and procedural needs, and would provide important substantive support to any recommendations made. On the other hand, the Act could be modified to provide a mandate for such studies to define and guide the expanded activities of the CHDC, and perhaps establish a timeframe for completion of this initial comprehensive plan. This would parallel the original approach the Act took to the identification of Landmark boundaries and the definition of CHDC guidelines.

8. Mandates and guidelines for project review are needed most at the local level, supported by State and Federal laws and regulations. Historic preservation issues, like those involving architecture, need to be integrated into local review and permitting processes with clear procedural guidelines for applicants and reviewers. The majority of threats and damage to the historic district are occurring on private lands. These problems are best addressed at the level of local government and/or through CHDC action. Special use permits for land altering projects such as mining operations, grading, etc. should include a preservation review process that would ensure reasonable consideration and treatment of important historic properties within the historic district. Lyon County should be commended for pioneering this effort by adopting a special use permit system which includes preservation issues within the broader context of environmental review; this has been recognized as beneficial to the welfare of county residents, as well as facilitating the conservation of valuable historic properties.

9. Enforced reclamation of mining projects is needed. Reclamation of surface mines and related processing, extraction, and dumping features is critically needed to ensure the conservation of important viewsheds within the Landmark. Reclamation has typically not been conducted, often due to bankruptcy and sale of a mining interest to another company or individual. Of all the projects reviewed over the past decade on the Comstock, only one incomplete reclamation has taken place in the vicinity of the Drysdale cut on the eastern side of Highway 342 in Gold Canyon.

Reclamation plans need to be expected and assurances received that they will be followed through to completion. In the absence of analysis to determine the composition and preservation needs of the historic landscape of the Comstock District, immediate action is needed to ensure adequate reclamation of any mining activities within the viewsheds of the central corridor defined generally as the Gold Canyon area along Highway 342 between Silver City and Gold Hill.

Reclamation is also a possible method of ensuring that original grades and

historic landscape topography can be approximated, although it is recognized that the desert of the Comstock District is extremely fragile and takes many years to reestablish itself.

10. Historic preservation review is best accomplished when coordinated through a central body. Coordination of historic preservation review through a single decisionmaking body would be the most effective method of ensuring long-term objective and defensible treatment of resources and projects. The CHDC, the central body currently empowered by Nevada State law to conduct this activity, could have its charge broadened to include historic preservation reviews mandated by county ordinances. This would also result in conformance with the intent of the Certified Local Government program. Lyon County has established this increased role for the CHDC within the Landmark through its revised special use permits for mining activities

11. The Landmark should be treated as a single entity. Treatment of the Landmark as a single entity with mutual cooperation between decisionmaking bodies should be a principal goal of the in the overall management of this historic resource. Further segregation of decisionmaking, record keeping, and guideline development will probably result in wasted time, effort, and increased controversy; all to the detriment of the Landmark.

12. Lyon and Storey County should continued to participate in the Certified Local Government Program with assistance from the Nevada SHPO. Both Lyon and Storey Counties should be encouraged to continue to participate meaningfully in the Certified Local Government program, and the Nevada Division of Historic Preservation and Archaeology should provide necessary technical assistance to them in the design of ordinances, Master Plan elements, and/or survey and planning efforts that will help in addressing identified weaknesses in the current preservation process.

13. Opposing parties that have similar interests need to cooperate. Advocates of both mining and historic preservation interests need to work together to establish a means of ensuring the long-term preservation of the Comstock District. Although this investigation observed that the two factions differ both philosophically and politically, both sides recognize the historic value of the Landmark. Both want to see the physical character of the historic district maintained. The problem lies in different definitions of what elements compose the historic character of the Comstock, and how many of these elements can be lost before the integrity of the historic district is perceived as damaged.

There is an overwhelming need for collaborative local efforts to reach consensus on what should be preserved. Continued efforts to resolve preservation issues by encouraging separate resolutions by county or commissions will only exasperate the polarization and fragmented preservation process that exists. Both Lyon and Storey County Commissions and residents, the Comstock Historic District Commission, and the Division of Historic Preservation and Archaeology need to jointly decide what needs preserving, and how to ensure the long-term preservation of the Comstock District.

14. Coordinate the development and integration of guidelines for mining and

historic preservation with Nevada State mining associations. It may help preservation activities in the Comstock District, as well as in Nevada, to work with the State mining association in developing guidelines for a responsible balance between historic preservation and mining within historic areas such as the Landmark.

15. Consider seeking remedies for the unreclaimed Con-Imperial pit. The Con-Imperial pit continues to damage the character of the Comstock District, poses an immediate threat to public safety and transportation through the historic district, and offers a visible invitation and precedence for continued disregard for the historic value of the Landmark in the operation of open pit mine operations. Consideration should be given to seeking the necessary approvals and funds to conduct a reclamation of the pit, perhaps in part using much of the overburden from the pit that was dumped in the Crown Point Ravine. Special donations might be sought for this corrective project through large mining corporations that have already expressed embarrassment and concern for the detrimental effects of the Con-Imperial pit operations.

SOURCES CITED AND USED

Comstock Chronicle

- 1988 Black & Howell sale stalls development. 1:44:1,10 (June 3, 1988).
- 1988 Inspector/clerk nailed over alleged 'confrontational approach'. 1:43:1,12 (May 27, 1988).
- 1988 Silver City reaches agreement with miners. 1:43:1,15 (May 27, 1988).
- 1988 'Talking bottles' tell a Comstock tale. 1:43:13 (May 27, 1988).
- 1988 Canyon Resources runs into roadblock. 1:41:5 (May 13, 1988).
- 1988 Mining controls may be reversed in Silver City. 1:40:1,11 (May 6, 1988).
- 1988 A threatening situation for Silver City's water supply. 1:36:1,14 (April 8, 1988).
- 1988 Alhambra shuts down gold mine. 1:35:1,10 (April 1, 1988).
- 1988 National Trust joins Jack Daniel's to help save historic school. 1:35:1,10 (April 1, 1988).
- 1988 Anemic responses to a critical situation. 1:35:1,10 (April 1, 1988).
- 1988 Cost-savings changes proposed for new school. 1:34:1,11 (March 25, 1988).
- 1988 Commission approves Crown Point Mill and mining permits. 1:31:1,11 (March 4, 1988).

Daniel, Mann, Johnson and Mendenhall

- 1970 A report to the State of Nevada Department of Economic Development on the Comstock Lode Area, Storey County, Nevada: historic restoration and economic development planning program, management study. Las Vegas, Nevada.

Ehrenkrantz Group

- 1987 National Historic Landmark condition assessment report: Old Washoe Club, Virginia City Historic District, 46-48 South C Street, Virginia City, Nevada. Prepared for the National Park Service by the Ehrenkrantz Group, San Francisco.

Hallenberg, Heather M.

- 1979 Comstock Historic District: partial inventory of architectural resources. Final Report. Nevada Division of Historic

Preservation and Archeology and National Trust for Historic Preservation.

Hardesty, Donald and Valerie Firby

1980 Managing archeological resources on the Comstock. The Comstock Project, Heritage Conservation and Recreation Service, Department of the Interior, Washington D.C.

Hardesty, Donald, Valerie Firby and Gretchen Siegler

1982 An archaeological survey of the Virginia City National Historic Landmark. Prepared by the Department of Anthropology, University of Nevada at Reno for the State of Nevada, Division of Historic Preservation and Archeology, Carson City.

Hattori, Eugene Mitsura

1975 Northern Paiutes on the Comstock: archeology and ethnohistory of an American Indian population in Virginia City, Nevada. Nevada State Museum Occasional Papers 2, Carson City.

1980 (Overview of Northern Paiute settlement in Virginia City area). In: Managing Archeological Resources on the Comstock, by Donald Hardesty and Valerie Firby, :24-25, Heritage Conservation and Recreation Service, Department of the Interior.

HCRS (Heritage Conservation and Recreation Service)

1980a Greiner's Bend: a case study. The Comstock Project, U.S. Department of the Interior.

1980b A search for balance: conservation and development on the historic Comstock. - The Comstock Project, U.S. Department of the Interior.

1980c Comstock Design Guidelines. The Comstock Project, U.S. Department of the Interior.

1980d Comstock Driving Tour/Virginia City Walking Tour. The Comstock Project, U.S. Department of the Interior.

1980e Gold Canyon: Comstock historic trail. The Comstock Project, U.S. Department of the Interior.

1980f The Comstock: an inventory of historic and natural sites. The Comstock Project, U.S. Department of the Interior.

Koval, Ana Beth, T. Allan Comp, Elizabeth Beckham, Katherine R. Boyne, Rolla L. Queen, Robert F. Joiner, and Andria Daley-Toll

1985 Virginia City: Project 1985. Prepared by Rainshadow Associates, Carson City, for Storey County Commission and Nevada Division of Historic Preservation and Archaeology.

Pendleton, Lorann S.A., Alvin R. McLane, and David Hurst Thomas

1982 Cultural Resource Overview, Carson City District, West Central

Nevada. Cultural Resource Series 5, parts 1 & 2, Bureau of Land Management, Nevada. Prepared by the American Museum of Natural History, New York.

Rocha, Guy Louis
1980

Nevada mining law, eminent domain, and historic preservation: a study in conflicting public use and the limitations of the police power. Manuscript on file, Department of Anthropology, University of Nevada, Reno.

Russell, Stephen
1988

Amended application for special use permit, Crown Point Mill. Prepared for the Art Wilson Company.

Seelinger, Terry
1977

Archeological resources investigation for the Virginia City sewage treatment facilities expansion. Nevada State Museum.

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APPENDICES