



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

Colleen Cripps, Ph.D., Administrator

NOTICE OF FINAL DECISION - Bureau of Mining Regulation and Reclamation

Web Posting: 05/24/2012

Deadline for Appeal: 06/04/2012

**Churchill Limestone Project
Reclamation Permit No. 0104**

**Nevada Cement Company
P.O. Box 840
Fernley, Nevada 89408-0840**

The Nevada Division of Environmental Protection (Division) has decided to issue Reclamation Permit, No. 0104, for a limestone mining project to Nevada Cement Company. This permit authorizes the Permittee to reclaim the Churchill Limestone Project located in Churchill County, Nevada. The Division has been provided with an application, in accordance with Nevada Revised Statute (NRS) and Nevada Administrative Code (NAC) 519A to assure the Division that the Permittee will leave the project site safe, stable, and capable of providing for a productive post-mining land use.

This permit will become final June 7, 2012. The final determination of the Administrator may be appealed to the State Environmental Commission (Commission) pursuant to NAC 519A.415. The appeal must be filed by June 4, 2012 and in accordance with administrative rules of the Commission.

The permit authorizes 56.1 acres of disturbance associated with a limestone mine including a public/private access haul road and exploration activity.

The following comment was received on May 4, 2012 from the Law Offices of Demetras and O'Neil on behalf of their client, Kingfisher Sand and Gravel, Inc. The comment is paraphrased below.

Comment: In 2010 Nevada Cement Company chip-sealed the approximately 3.96 miles of the access road surface. The portion of the access road surface in Section 17 was chip-sealed without the permission of Kingfisher Sand and Gravel, Inc. Although a Right-of-Way has been granted from the Bureau of Land Management, the company has not received permission from the private land holder. A search of the Churchill county records shows no easement for

Nevada Cement Company on the property or any filings or approvals with the Churchill planning and building department.

Division Response: The general comment is not within the purview of the NAC 519A regulatory framework. The reclamation permit does not authorize any right-of-way access nor does it relieve the Permittee from complying with federal, state and county requirements. Reclamation of the chip-sealed access haul road is included in surety bond posted by the Permittee for the Churchill Limestone Project.