



# STATE OF NEVADA

Department of Conservation & Natural Resources

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

DIVISION OF ENVIRONMENTAL PROTECTION

Colleen Cripps, Ph.D., Administrator

## NOTICE OF DECISION - Bureau of Regulation and Reclamation

**Web Posting: 4/23/2013**

**Deadline for Appeal: 5/3/2013**

**Maggie Creek Plant  
WPC Permit No. NEV2012111  
Progressive Contracting Inc.**

The Nevada Division of Environmental Protection has decided to issue Water Pollution Control Permit NEV2012111 to Progressive Contracting Inc. This Permit authorizes the construction, operation, and closure of approved mining facilities in Eureka County. The Division has been provided with sufficient information, in accordance with Nevada Administrative Code (NAC) 445A.350 through NAC 445A.447, to assure the Division that the waters of the State will not be degraded by this operation, and that public safety and health will be protected.

The Permit will become effective 8 May 2013. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to Nevada Revised Statute (NRS) 445A.605 and NAC 445A.407. All requests for appeals must be filed by 5:00 PM, 3 May 2013, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Paul Eckert at (775) 687-9401 or visit the Division's Bureau of Mining Regulation website at [www.ndep.nv.gov/bmrr/bmrr01.htm](http://www.ndep.nv.gov/bmrr/bmrr01.htm).

One comment was received from the Nevada Department of Wildlife during the public comment period. The comment and the Division response are attached to this notice.

**Division Response to Nevada Department of Wildlife Comment Letter dated April 4, 2013 from Lindsey Lesmeister to Paul Eckert NDEP-BMRR.**

Comment 1: “The Nevada Department of Wildlife (NDOW) is concerned with impacts to fish and wildlife resources and their associated habitats within the proposed area. NDOW would advise that Progressive Contracting Inc. apply for an Industrial Artificial Pond Permit for the tailings ponds. Tailings ponds 1-4 are lined with 40-mil HDPE, any plastic lined pond is a potential drowning hazard to terrestrial wildlife. The location of the Maggie Creek Plant is in an area with big game concerns. Due to the large number of mule deer and elk within the area, NDOW suggests that wildlife exclusion methods be taken to prevent any wildlife mortalities. Industrial Artificial Pond Permits are available online at [www.ndow.org](http://www.ndow.org) under the hunt tab.”

*Division Response: The Division recommends that the Permittee contact NDOW for a thorough discussion of their guidelines for wildlife exclusion from industrial facilities and take appropriate measures based on applicable NDOW recommendations and regulatory requirements.*