



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

April 14, 2009

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Notice of Final Decision

Reclamation Permit No. #0257

Halliburton Energy Services Inc.

Rossi Mine Project

The Nevada Division of Environmental Protection (NDEP) has decided to issue a revised Reclamation Permit # 0257, for a Barite Mining Project to Halliburton Energy Services Inc. This permit authorizes Halliburton Energy Services Inc. to reclaim the Rossi Mine Project. This Project is located in Elko 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 Halliburton Energy Services Inc., will leave the project site safe, stable, and capable of providing for a productive post-mining land use.

This permit will become final April 25, 2009. The final determination of the Administrator may be appealed to the State Environmental Commission pursuant to NAC 519A.415. The appeal must be filed on or before April 24, 2009 and in accordance with Administrative rules of the Environmental Commission.

The Nevada Department of Wildlife provided the following comments and are hereby noted and submitted to the operator.

NDOW Comment 1: Reclamation of mining activity is important to Nevada's wildlife resources. The key to providing benefits to wildlife from reclamation is in developing a suitable vegetative community on the reclaimed disturbance. The Rossi Mine may require additional efforts due to pre-regulation construction of many of the mine features. Pre- Regulation waste rock dumps were constructed with little consideration for creating functioning vegetative communities when the facilities were constructed. It will be important to provide a suitable opportunity for vegetation to become established.

BMRR Response: The operator intends to reclaim the entire mine site according to today's reclamation standards. The waste rock facilities will be re-graded to a stable slope of 2.5:1 to support vegetation success. There are designated areas of the waste rock faculties that will not be required to be entirely re-graded as to allow for an established natural springs area near the toe of the dumps to be maintained for wildlife.

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NDOW Comment 2: We encourage efforts to salvage as much topsoil as possible. Having topsoil on the reclamation site greatly enhances the opportunity for re-vegetation success. Seedbed preparation is very important to the success of the reclamation effort. The Rossi Reclamation Plan should include provisions to contour the mining disturbance to the natural slope of the surrounding terrain. This would provide a heterogeneous environment for vegetation to establish, be comparable to the surrounding vegetation community, and provide good cover and forage for wildlife on the reclaimed disturbance.

BMRR Response: NAC 519A.325 requires an operator to stockpile topsoil, if available, during the initial disturbance and stockpile for use in future reclamation. Topsoil stockpiling must be done if practicable and if necessary for the establishment of the post-mining land use. The operator, in the approved plan, commits to re-contouring slopes to a natural appearing shape. The operator also commits to replacement of growth medium at a minimum of 6 inches or greater where available, prior to seeding with the BLM prescribed seed mixture.

NDOW Comment 3: The reclamation seed mix that Halliburton will use should contain a diversity of shrub, forbs and grass components. This will create a post-mine site that will be suitable for the wildlife resources in the vicinity.

BMRR Response: NAC 519A.330(1)(a) requires that an operator select and establish species of plants that will result in vegetation productivity comparable to that growing on the affected lands before commencement of the exploration project or mining operation, which is required by the manager of the land or which is consistent with the post-mining use of the land. While the reclamation plan and cost estimate for this project references seeding costs based on a seed mix which contains several of the above species, the operator is encouraged to coordinate with NDOW and the BLM in exploring changes to the approved seed mix as appropriate. Any changes will require submission of the modified seed mix to BMRR for review and approval.

NAC 519A.415 Appeals to commission.

1. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension, modification, condition or revocation of a permit; or

(b) The issuance, modification or rescission of any other order,

by the state department of conservation and natural resources may appeal to the commission.

2. Any person who requests a hearing before the commission concerning a final decision of the department pursuant to chapter 519A of NRS may do so by filing a request, within 10 days after notice of the action of the department, on form 3* with the State Environmental Commission, 901 S. Stewart St. Ste. 4001, Carson City, Nevada 89701.

3. The provisions of NAC 445B.875 to 445B.899, inclusive, apply to a hearing of the state environmental commission requested pursuant to subsection 1.

4. The commission will affirm, modify or reverse any action of the department, which is appealed to it. *(See adopting agency for form.)