



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 DECISION – Bureau of Mining Regulation and Reclamation

Web posting: 06/27/2011

Deadline for comment: 07/07/2011

Permit #NEV2005107

Emigrant Mine Project

Newmont USA Limited dba Newmont Mining Corporation
1655 Mountain City Highway
Elko, NV 89801

The Nevada Division of Environmental Protection (Division) has decided to issue Water Pollution Control Permit NEV2005107 (Permit) to Newmont Mining Corporation. This Permit authorizes the construction, operation, and closure of approved mining facilities in Elko 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 12 July 2011. 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, 07 July 2011, on Form 3, with the State Environmental Commission, 901 South Stewart Street, Suite 4001, Carson City, Nevada 89701-5249. For more information, contact Miles Shaw at (775) 687-9409 or visit the Division's Bureau of Mining Regulation website at www.ndep.nv.gov/bmrr/bmrr01.htm.

Since the date the draft Permit was issued for public comment, the standard water pollution control permit template has been updated to require quarterly reporting of the status of any kinetic testing and spill reporting more consistent with that of the Bureau of Corrective Actions. The issued Permit reflects these changes.

A comment letter, received during the public comment period from John Hadder, Director, Great Basin Resource Watch (GBRW), contains a copy of comments GBRW provided 18 January 2011, for the Emigrant Mine Project Final Environmental Impact Statement (FEIS). The FEIS was developed as part of the federal National Environmental Policy Act process, which is separate and distinct from the State regulatory application, review, and approval process. In the

comment letter, GBRW states the Permit requirements "...appear at this time to be sufficient." Also, based on the approved designs, the Division does not agree with the additional GBRW comment that the proposed engineered stream channel should be leak detected.