



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Brian Sandoval, Governor

Leo M. Drozdoff, P.E., Director

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NOTICE OF FINAL DECISION - Bureau of Mining Regulation and Reclamation

Web Posting: 05/16/2012

Deadline for Appeal: 05/26/2012

**Phoenix Project
Reclamation Permit No. 0223**

**Newmont USA Ltd. dba
Newmont Mining Corporation**

The Nevada Division of Environmental Protection (Division) has decided to issue Reclamation Permit No. 0223 for a mining project to Newmont USA Ltd. dba Newmont Mining Corporation (Permittee). This permit authorizes the Permittee to reclaim the Phoenix Project located in Lander 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 May 31, 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 May 26, 2012 and in accordance with administrative rules of the Commission.

This major modification application concerns incorporation of the Phoenix Copper Leach Amendment into the Phoenix Project Reclamation Permit. New mining facilities under this proposal include construction of copper heap leach pads and a solvent extraction - electrowinning (SX-EW) facility. The amendment would increase surface disturbance by 902 acres on both private and public land.

The following e-mail comments were received on April 26 and 27, 2012 from: Carol Toney, Robert Styles, Kathleen Styles, John Styles, Chris Styles, and Mary Elizabeth Styles.

E-mail Comment: "We have researched the location of the project in regards to our property and any possible negative effects this project would have on our land. We are aware we are downstream, (per se), from the project. With that said, any spills, accidents or leaks during the leaching process could be detrimental to our property. We are aware that our watershed could be damaged, affecting our property in many ways. With the chance of possible damage

from our property being downstream of this project, we realize that the value of our property would be greatly affected. We also are aware that if a spill were to happen, our property would have to lay fallow for many years. This project threatens the environmental integrity of our property and the potential value of it as well!”

Division Response: The scope of the above comments is beyond the purview of the NAC 519A regulatory framework. In addition to mine reclamation permits, the Division also issues water pollution control permits (WPCP) for mining facilities under the NAC 445A Water Control Regulations. The NAC 445A regulations have specific requirements that a Permittee must meet to monitor and control process fluids, and minimize the environmental impact resulting from accidental release of process fluids. The Division has issued a WPCP to the Permittee for the Phoenix Project. Concerns about spills, leaks, or accidental releases during the leaching process are addressed through the WPCP. It is also appropriate to note that the permitting action being decided is for the Phoenix Copper Leach Amendment and not for the previously permitted portions of the Phoenix Project. The Phoenix Copper Leach Amendment concerns construction of a copper heap leach pad on the south west side of the Phoenix Project and construction of an SX-EW plant in the mill area. Neither of these new facilities is near the Philadelphia Canyon area of the Phoenix Project.

The Division has offered to meet with the Styles family to discuss their stated issues related to their comment e-mails. This offer was conveyed to the Styles family representative. No meeting has been scheduled as of issuance of this NOFD.